DEPARTMENT OF THE NAVY
HEADQUARTERS
NAVAL CRIMINAL INVESTIGATIVE SERVICE
27130 TELEGRAPH ROAD
QUANTICO VA 22134-2253

5720 2019-002387
SER00LJF/19U0153
January 10, 2019

Mr. Jason Dorman
NBC 7 KNSD
[redacted]

Dear Mr. Dorman,

This further responds to your January 2, 2019, Freedom of Information Act (FOIA) request seeking all records pertaining to the death of Seaman James Derek Lovelace.

Please be advised that some of the documents contained information proprietary to another government agency. After consultation, that agency determined some of the information is exempt from release per FOIA exemptions (b)(6) and (b)(7)(C) and (b)(3), specifically 10 USC § 130b.

All releasable information is provided to you at enclosure (1). We have also provided an enclosure explaining the various exemptions of the FOIA.

As the official responsible for the partial denial of your request, I am advising you of your right to appeal this determination. Your appeal must be postmarked within 90 calendar days from the date of this letter and should be addressed to the Secretary of the Navy's designee: Office of the Judge Advocate General, (Code 14), 1322 Patterson Avenue, S.E., Suite 3000, Washington Navy Yard, D.C. 20374-5066. The envelope and letter must bear the annotation "FOIA Appeal." A copy of your initial request and a copy of this partial denial letter must accompany the appeal.

If you choose not to appeal, you have the right to seek dispute resolution services. You may contact the Department of the Navy's FOIA public liaison, Mr. Chris Julka, at christopher.a.julka@navy.mil or (703) 697-0031 or the Office of Government Information Services (https://ogis.archives.gov/).

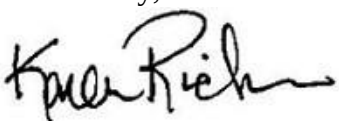
Some information in our records is under the release authority of the Naval Special Warfare Command, Attn: FOIA Coordinator, 2000 Trident Way, San Diego, California, 92155-5599 and the Commander, Navy Installations Command, Attention FOIA Coordinator, 716 Sicard Street SE, Suite 1000, Washington Navy Yard, DC 20374-5140. We are forwarding those documents to them for a release determination and direct response to you.

There are no assessable fees associated with the processing of your request.

5720 2019-002387
SER00LJF/19U0153

Should you have any questions concerning the processing of your request, please contact our office at (571) 305-9092 or via electronic mail at ncis_foia@ncis.navy.mil.

Sincerely,



KAREN RICHMAN
Assistant Counsel
Head, Government Information Sharing Unit

Encl:
(1) Documents

Explanation of the Nine FOIA Exemptions

The following is a list of FOIA exemptions which apply to Government information in accordance with 5 U.S.C. § 552(b):

(b)(1) EXEMPTION – Protects Classified Matters of National Defense or Foreign Policy.
This exemption protects from disclosure national security information concerning the national defense or foreign policy, provided that is has been properly classified in accordance with the substantive and procedural requirements of an executive order.

(b)(2) EXEMPTION – Internal Personnel Rules and Practices.
This exemption exempts from mandatory disclosure records "related solely to the internal personnel rules and practices of an agency." Courts have interpreted the exemption to encompass two distinct categories of information:

(a) Internal matters of a relatively trivial nature – sometimes referred to as "low2" information: and

(b)(3) EXEMPTION – Information Specifically Exempted by Other Statues:
This exemption incorporates the disclosure prohibitions that are contained in various other federal statutes. As originally enacted in 1966, Exemption 3 was broadly phrased so as to simply cover information "specifically exempted from disclosure by statute." The new Exemption 3 statute prohibits agencies from releasing under the FOIA proposals," unless that proposal" is set forth or incorporated by reference in a contract entered into between the agency and the contractor that submitted the proposal."

(b)(4) EXEMPTION – Trade Secrets Commercial of Financial Information.
This exemptions protects "trade secrets and commercial or financial information obtained from a person (this is) privileged or confidential." This exemption is intended to protect the interest of both the government and submitter of information.

(b)(5) EXEMPTION – Privileged Interagency or Intra-Agency Memoranda or Letters.
This exemption protects "inter-agency or intra-agency memorandums of letters which would not be available by law to a party… in litigation with the agency." As such, it has been construed to "exempt those documents, and only those documents, normally privileged in the civil discovery context."

(b)(6) EXEMPTION- Personal Information Affecting an Individual's Privacy.
This exemption permits the government to withhold all information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." This exemption cannot be invoked to withhold from a requester information pertaining to the requester.

(b)(7) EXEMPTION – Investigatory Records Compiled for Law Enforcement Purposes.
As amended, this exemption protect from disclosure "records or information compiled for law enforcement purposes.

EXEMPTION 7(A) Records of information that could reasonably be expected to interfere with enforcement proceedings. This exemption authorizes the withholding of "records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information… could reasonably be expected to interfere with enforcement proceedings."

EXEMPTION 7(B) Disclosure which would deprive a person of a fair trial or an impartial adjudication. Records that would prevents prejudicial pretrial publicity that could impair a proceeding, protect "records of information compiled for law enforcement purposes (the disclosure of which) would deprive a person of the right to a fair trial or an impartial adjudication."

EXEMPTION 7(C) Personal Information in Law Enforcement Records. This exemption provides protection for personal information in law enforcement records. This exemption is the law enforcement counterpart to Exemption 6, providing protection for law enforcement information the disclosure of which "could reasonably be expected to constitute an unwarranted invasion of personal privacy."

EXEMPTION 7(D) Identity of a Confidential Source. This exemption provides protection for "records or information compiled for law enforcement purposes (which) could reasonably be expected to disclose the identity of a confidential source – including a State, local or foreign agency or authority or any private institution which furnished information on a confidential basis – and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source."

EXEMPTION 7(E) Circumvention of the Law. This exemption affords protection to all law enforcement information which "would disclose techniques and procedures for law enforcement investigation or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law."

EXEMPTION 7(F) Physical Safety to Protect a wide Range of individuals. This exemption permits the withholding of information necessary to protect the physical safety of a wide range of individuals. Whereas Exemption 7(F) previously protected records that "would… endanger the life or physical safety of law enforcement personnel." The amended exemption provides protection to "any individual when disclosure of information about him or her "could reasonably be expected to endanger (his/her) life or physical safety."

(b)(8) EXEMPTION – Records of Financial Institutions.
This exemption covers matters that are "contained in or related to examinations, operating, or condition reported prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions."

(b)(9) EXEMPTION – Geographical and Geophysical Information Concerning Wells.
This exemption covers "geological and geophysical information and data, including maps concerning wells."

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NAVAL CRIMINAL INVESTIGATIVE SERVICE
RECORDS MANAGEMENT DIVISION
LAW ENFORCEMENT RECORDS

Package ID #: 20172961350-001523

Name: NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

AKA:

Social Security Number: NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) **Context:** Subject

Date of Birth: 09/18/1989 **State of Birth:** MI **Country of Birth:** US - United States of America

Case Number: 06MAY16SWND03037HNA	**Dossier:**

DCII INDEX CODE: K = 50 Years	**RECORD SERIES #:** 5580.4a(1)(b)	**Date Closed:** 10/19/2017

RECORD SERIES (FILE PLAN)

Gen Mgmt, Sec & Safety Svcs - Provide Security Svcs - Law Enforcement - NCIS Criminal Investigative - Controlled Death & Sex Investigations

Controlled Death & Sex Investigations

Comments:

No **Polygraph Examination Conducted**	No **Sexual Offender Registry Completed**
No **Finger Prints Submitted to Code 23C2**	No **Final Disposition Report to FBI**

CIS - _____ / _____

☐ **Closed Status** ☐ **Dup Title** ☐ **Dup CCN**

Disclosure/Accountability Statement: If this investigation is disseminated outside NCIS, complete NCIS Form 009/10-80, and ensure it is retained in the case file.

RUR0015PDS

17/14334

I NCIS (b)(6), (b)(7)(C) certify that this document has been reviewed and is complete.

Typed Name of SSA

10/25/17
DATE

NCIS (b)(6), (b)(7)(C)
SIGNATURE

Unclassified when separated from attachment unless otherwise indicated.

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Privacy Act Statement

Privacy Sensitive - Any misuse or unauthorized disclosure may result in both civil or criminal penalties

CROSS REFERENCE SHEET

(Insert this behind the cover sheet)

The dossier 06MAY16SWND03037HNA NGIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
(Case Control Number (CCN)) *(Subject Name/Title)*

EXH 102 ENC A contains the following additional material on

DVD OF CLARIFIED IMAGES

(Subject of the additional material)

that has been retained in its original format and stored separately as specified below:

TYPE	LOCATION NUMBER (To be completed by Code 11C13)
☐ **Grand Jury**	
☐ **X – Rays**	
☐ **Video Tapes**	
☐ **Audio Tapes**	
☐ **Photographs** (images of photographs are contained in the electronic dossier, actual photographs(s) from hard copy dossier is/are filed separately.)	
☐ **Polygraph Material**	
☐ **Source Envelope**	
☒ **Other** DVD/ (Description)	

CROSS REFERENCE SHEET

(Insert this behind the cover sheet)

The dossier 06MAY16SWND03037HNA on NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

(Case Control Number (CCN)) *(Subject Name/Title)*

EXH 104 ENC A contains the following additional material on

DVD OF CTT POWERPOINT

(Subject of the additional material)

that has been retained in its original format and stored separately as specified below:

TYPE	LOCATION NUMBER (To be completed by Code 11C13)
☐ **Grand Jury**	
☐ **X – Rays**	
☐ **Video Tapes**	
☐ **Audio Tapes**	
☐ **Photographs** (images of photographs are contained in the electronic dossier, actual photographs(s) from hard copy dossier is/are filed separately.)	
☐ **Polygraph Material**	
☐ **Source Envelope**	
☒ **Other** DVD/22AUG16 (Description)	

000003

CROSS REFERENCE SHEET

(Insert this behind the cover sheet)

The dossier 06MAY16SWND03037HNA NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
(Case Control Number (CCN)) *(Subject Name/Title)*

EXH 88 ENC A contains the following additional material on

DVD OF 8 CONVERTED VIDEO FILES

(Subject of the additional material)

that has been retained in its original format and stored separately as specified below:

TYPE	LOCATION NUMBER (To be completed by Code 11C13)
☐ **Grand Jury**	
☐ **X – Rays**	
☐ **Video Tapes**	
☐ **Audio Tapes**	
☐ **Photographs** (images of photographs are contained in the electronic dossier, actual photographs(s) from hard copy dossier is/are filed separately.)	
☐ **Polygraph Material**	
☐ **Source Envelope**	
☒ **Other** DVD/ (Description)	

CROSS REFERENCE SHEET

(Insert this behind the cover sheet)

The dossier 06MAY16SWND03037HNA NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

(Case Control Number (CCN)) *(Subject Name/Title)*

EXH 67 ENC A contains the following additional material on

CD OF EXCEL SPREADSHEET OF PHASE 1 TRAINING SCHEDULE

(Subject of the additional material)

that has been retained in its original format and stored separately as specified below:

TYPE	LOCATION NUMBER (To be completed by Code 11C13)
☐ **Grand Jury**	
☐ **X – Rays**	
☐ **Video Tapes**	
☐ **Audio Tapes**	
☐ **Photographs** (images of photographs are contained in the electronic dossier, actual photographs(s) from hard copy dossier is/are filed separately.)	
☐ **Polygraph Material**	
☐ **Source Envelope**	
☒ **Other** CD/05APR16-22JUN16 (Description)	

000005

CROSS REFERENCE SHEET

(Insert this behind the cover sheet)

The dossier 06MAY16SWND03037HNA NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
(Case Control Number (CCN)) *(Subject Name/Title)*

EXH 72 ENC B contains the following additional material on

CD OF RADIO CALL FOR TRANSPORT OF V/LOVELACE

(Subject of the additional material)

that has been retained in its original format and stored separately as specified below:

TYPE	LOCATION NUMBER (To be completed by Code 11C13)
☐ **Grand Jury**	
☐ **X – Rays**	
☐ **Video Tapes**	
☐ **Audio Tapes**	
☐ **Photographs** (images of photographs are contained in the electronic dossier, actual photographs(s) from hard copy dossier is/are filed separately.)	
☐ **Polygraph Material**	
☐ **Source Envelope**	
☒ **Other** CD/06MAY16 (Description)	

CROSS REFERENCE SHEET

(Insert this behind the cover sheet)

The dossier 06MAY16SWND03037HNA NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
(Case Control Number (CCN)) *(Subject Name/Title)*

EXH 1 ENC A contains the following additional material on

CD OF 29 DEATH SCENE PHOTOS

(Subject of the additional material)

that has been retained in its original format and stored separately as specified below:

TYPE	LOCATION NUMBER (To be completed by Code 11C13)
☐ **Grand Jury**	
☐ **X – Rays**	
☐ **Video Tapes**	
☐ **Audio Tapes**	
☐ **Photographs** (images of photographs are contained in the electronic dossier, actual photographs(s) from hard copy dossier is/are filed separately.)	
☐ **Polygraph Material**	
☐ **Source Envelope**	
☒ **Other** CD/06MAY16 (Description)	

000007

CROSS REFERENCE SHEET

(Insert this behind the cover sheet)

The dossier 06MAY16SWND03037HNA NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
(Case Control Number (CCN)) *(Subject Name/Title)*

EXH 2 ENC C contains the following additional material on

CD OF 43 PHOTOS OF V/LOVELACE AT SHARP CORONADO HOSPITAL

(Subject of the additional material)

that has been retained in its original format and stored separately as specified below:

TYPE	LOCATION NUMBER (To be completed by Code 11C13)
☐ **Grand Jury**	
☐ **X – Rays**	
☐ **Video Tapes**	
☐ **Audio Tapes**	
☐ **Photographs** (images of photographs are contained in the electronic dossier, actual photographs(s) from hard copy dossier is/are filed separately.)	
☐ **Polygraph Material**	
☐ **Source Envelope**	
☒ **Other** CD/17MAY16 (Description)	

CROSS REFERENCE SHEET

(Insert this behind the cover sheet)

The dossier 06MAY16SWND03037HNA NOIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
(Case Control Number (CCN)) *(Subject Name/Title)*

EXH 8 ENC A contains the following additional material on

CD OF 80 AUTOPSY PHOTOS

(Subject of the additional material)

that has been retained in its original format and stored separately as specified below:

TYPE	LOCATION NUMBER (To be completed by Code 11C13)
☐ **Grand Jury**	
☐ **X – Rays**	
☐ **Video Tapes**	
☐ **Audio Tapes**	
☐ **Photographs** (images of photographs are contained in the electronic dossier, actual photographs(s) from hard copy dossier is/are filed separately.)	
☐ **Polygraph Material**	
☐ **Source Envelope**	
☒ **Other** CD/07MAY16 (Description)	

CROSS REFERENCE SHEET

(Insert this behind the cover sheet)

The dossier 06MAY16SWND03037HNA NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
(Case Control Number (CCN)) *(Subject Name/Title)*

EXH 9 ENC B contains the following additional material on

CD OF 27 PHOTOS OF SEARCH OF V/LOVELACE BARRACKS ROOM

(Subject of the additional material)

that has been retained in its original format and stored separately as specified below:

TYPE	LOCATION NUMBER (To be completed by Code 11C13)
☐ **Grand Jury**	
☐ **X – Rays**	
☐ **Video Tapes**	
☐ **Audio Tapes**	
☐ **Photographs** (images of photographs are contained in the electronic dossier, actual photographs(s) from hard copy dossier is/are filed separately.)	
☐ **Polygraph Material**	
☐ **Source Envelope**	
☒ **Other** CD/09MAY16 (Description)	

000010

CROSS REFERENCE SHEET

(Insert this behind the cover sheet)

The dossier 06MAY16SWND03037HNA on [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

(Case Control Number (CCN)) *(Subject Name/Title)*

EXH 29 ENC D contains the following additional material on

CD OF 20 PHOTOS OF VAULT DOOR SERVER

(Subject of the additional material)

that has been retained in its original format and stored separately as specified below:

TYPE	LOCATION NUMBER (To be completed by Code 11C13)
☐ **Grand Jury**	
☐ **X – Rays**	
☐ **Video Tapes**	
☐ **Audio Tapes**	
☐ **Photographs** (images of photographs are contained in the electronic dossier, actual photographs(s) from hard copy dossier is/are filed separately.)	
☐ **Polygraph Material**	
☐ **Source Envelope**	
☒ **Other** CD/16MAY16 (Description)	

CROSS REFERENCE SHEET

(Insert this behind the cover sheet)

The dossier 06MAY16SWND03037HNA NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
(Case Control Number (CCN)) *(Subject Name/Title)*

EXH 29 ENC F contains the following additional material on

CD OF 35 PHOTOS OF CTT POOL CAMERAS

(Subject of the additional material)

that has been retained in its original format and stored separately as specified below:

TYPE	LOCATION NUMBER (To be completed by Code 11C13)
☐ **Grand Jury**	
☐ **X – Rays**	
☐ **Video Tapes**	
☐ **Audio Tapes**	
☐ **Photographs** (images of photographs are contained in the electronic dossier, actual photographs(s) from hard copy dossier is/are filed separately.)	
☐ **Polygraph Material**	
☐ **Source Envelope**	
☒ **Other** CD/16MAY16 (Description)	

CROSS REFERENCE SHEET

(Insert this behind the cover sheet)

The dossier 06MAY16SWND03037HNA NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
(Case Control Number (CCN)) *(Subject Name/Title)*

EXH 52 ENC A contains the following additional material on

DVD OF 911 RECORDINGS

(Subject of the additional material)

that has been retained in its original format and stored separately as specified below:

TYPE	LOCATION NUMBER (To be completed by Code 11C13)
☐ **Grand Jury**	
☐ **X – Rays**	
☐ **Video Tapes**	
☐ **Audio Tapes**	
☐ **Photographs** (images of photographs are contained in the electronic dossier, actual photographs(s) from hard copy dossier is/are filed separately.)	
☐ **Polygraph Material**	
☐ **Source Envelope**	
☒ **Other** DVD/05MAY16 (Description)	

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CLOSED) 19OCT17

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA/C

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO/ NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)
(A) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 1-55)/31MAY16
(B) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 56-83)/30JUN16
(C) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 84-96)/01AUG16
(D) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 97-101)/18AUG16
(E) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 102-104)/26SEP16
(F) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 105-106)/17OCT16
(G) NCISRA SAN DIEGO, CA ROI (INTERIM)/14NOV16
(H) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBIT 107)/05DEC16
(I) NCISRA SAN DIEGO, CA ROI (INTERIM)/05JAN17
(J) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBIT 108)/06FEB17
(K) NCISRA SAN DIEGO, CA ROI (INTERIM)/08MAR17
(L) NCISRA SAN DIEGO, CA ROI (INTERIM)/04APR17
(M) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBIT 109)/09MAY17
(N) NCISRA SAN DIEGO, CA ROI (INTERIM)/02JUN17
(O) NCISRA SAN DIEGO, CA ROI (INTERIM)/30JUN17
(P) NCISRA SAN DIEGO, CA ROI (INTERIM)/31JUL17
(Q) NCISRA SAN DIEGO, CA ROI (INTERIM)/28AUG17
(R) NCISRA SAN DIEGO, CA ROI (INTERIM)/02OCT17
(S) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBIT 110)/13OCT17

EXECUTIVE SUMMARY
1. This reactive investigation was initiated on 06MAY16 at 1412, when NCISRA San Diego, CA was notified via Commander Navy Region Southwest (CNRSW) dispatch that V/LOVELACE, a student training to become a Sea Air Land (SEAL) operator, was transported to Sharp Coronado Hospital, Coronado, CA, from building 164 (pool) aboard Naval Amphibious Base (NAB), Coronado,

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CA, as he was unconscious and it was uncertain if he was breathing. At approximately 1600, NCIS contacted Sharp Coronado Hospital and was informed V/LOVELACE was pronounced dead at 1436 at the hospital. NCIS (b)(6), (b)(7)(C) NCIS Forensic Consultant, was notified of V/LOVELACE's death. Members of the NCISRA San Diego Major Case Response Team (MCRT) responded to building 164 and Sharp Coronado Hospital to document the scene and V/LOVELACE's body. Interviews of Naval Special Warfare (NSW) Basic Training Center (BTC) instructors and students from V/LOVELACE's class were conducted and it was determined V/LOVELACE was observed to be struggling with keeping his head above the water, his face was red/purple, and an instructor was seen dunking him underwater during the training evolution. On 07MAY16, an autopsy of V/LOVELACE's body was conducted at the San Diego County Medical Examiner's office with NCIS representatives present. On 06JUL16, the San Diego County Medical Examiner's Office released its report and concluded the cause of V/LOVELACE's death was drowning and the manner was Homicide. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) identified as the instructor who was with V/LOVELACE while he was struggling in the pool and subsequently pulled him out. CNRSW Firefighters who responded to the 911 call on 06MAY16 were interviewed and all stated V/LOVELACE appeared to be deceased when they arrived. V/LOVELACE's civilian medical records were requested and reviewed. On 09MAY16, a documentation and search of V/LOVELACE's barracks room was completed and his personal cell phone was seized and placed into evidence. Video recorded footage of the pool training was captured and has undergone forensic analysis and review. Pertinent Basic Underwater Demolition/SEAL (BUD/S) training records and documents have been received and reviewed by NCIS. The Commanding Officer (CO) at NSW BTC and Senior Trial Counsel at Region Legal Service Office (RLSO) Southwest were briefed throughout the investigation. The CO at NSW BTC declined to pursue criminal charges against [redacted] accordingly, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) the Chief of Staff, Regional Legal Service Office (RLSO) Trial Council Assistance Program, Washington, DC, reviewed the investigation. COS TCAP declined to prosecute this case, and it was presented to the Assistant United States Attorney's Office (AUSA), Southern District of California (SDCA), San Diego, CA. All investigative actions are complete. In OCT17, the AUSA, SDCA, declined to pursue federal charges.

NARRATIVE
1. This investigation was initiated on 06MAY16 upon notification of the death of V/LOVELACE. This investigation pertains to violations of the following statutes: Uniform Code of Military Justice Article 119 (b)(1) Manslaughter, California Penal Code 192 (b) Involuntary Manslaughter; and 18 U.S.C. Section 1112 (Involuntary Manslaughter). References (A)-(S) contain all investigative activity.

2. All judicial and administrative options for captioned investigation have been exhausted. This investigation is closed.

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INFO :SWFO/SWND/002P

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NCIS (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 19OCT17

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN

M/M/NEB3/[redacted]/23MAY94/FRANKFURT, GERMANY

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO/[redacted] NCIS (b)(6), (b)(7)(C)
SUPERVISORY SPECIAL AGENT

REFERENCE(S)
(A) NCISRA SAN DIEGO CA/ROI (INTERIM) (CONTAINS EXHIBIT 110)/13OCT17

NARRATIVE
1. Subsequent to lead tasking requested via Reference (A), the requirement for a Death Review Panel and subsequent Board on this investigation was waived due to extensive reviews having been previously completed.

2. Lead tasking is complete.

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INFO :SWND/SWFO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM) 13OCT17

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO/ NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)
(A) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 1-55)/31MAY16
(B) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 56-83)/30JUN16
(C) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 84-96)/01AUG16
(D) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 97-101)/18AUG16
(E) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 102-104)/26SEP16
(F) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 105-106)/17OCT16
(G) NCISRA SAN DIEGO, CA ROI (INTERIM)/14NOV16
(H) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBIT 107)/05DEC16
(I) NCISRA SAN DIEGO, CA ROI (INTERIM)/05JAN17
(J) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBIT 108)/06FEB17
(K) NCISRA SAN DIEGO, CA ROI (INTERIM)/08MAR17
(L) NCISRA SAN DIEGO, CA ROI (INTERIM)/04APR17
(M) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBIT 109)/09MAY17
(N) NCISRA SAN DIEGO, CA ROI (INTERIM)/02JUN17
(O) NCISRA SAN DIEGO, CA ROI (INTERIM)/30JUN17
(P) NCISRA SAN DIEGO, CA ROI (INTERIM)/31JUL17
(Q) NCISRA SAN DIEGO, CA ROI (INTERIM)/28AUG17
(R) NCISRA SAN DIEGO, CA ROI (INTERIM)/02OCT17

EXHIBIT(S)
(110) IA: DECLINATION FROM UNITED STATES ATTORNEY'S OFFICE, SOUTHERN DISTRICT OF CALIFORNIA/03OCT17

EXECUTIVE SUMMARY
1. This reactive investigation was initiated on 06MAY16 at 1412, when NCISRA San Diego, CA was notified via Commander Navy Region Southwest (CNRSW) dispatch that V/LOVELACE, a student training to become a Sea Air

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Land (SEAL) operator, was transported to Sharp Coronado Hospital, Coronado, CA, from building 164 (pool) aboard Naval Amphibious Base (NAB), Coronado, CA, as he was unconscious and it was uncertain if he was breathing. At approximately 1600, NCIS contacted Sharp Coronado Hospital and was informed V/LOVELACE was pronounced dead at 1436 at the hospital. NCIS (b)(6), (b)(7)(C) NCIS Forensic Consultant, was notified of V/LOVELACE's death. Members of the NCISRA San Diego Major Case Response Team (MCRT) responded to building 164 and Sharp Coronado Hospital to document the scene and V/LOVELACE's body. Interviews of Naval Special Warfare (NSW) Basic Training Center (BTC) instructors and students from V/LOVELACE's class were conducted and it was determined V/LOVELACE was observed to be struggling with keeping his head above the water, his face was red/purple, and an instructor was seen dunking him underwater during the training evolution. On 07MAY16, an autopsy of V/LOVELACE's body was conducted at the San Diego County Medical Examiner's office with NCIS representatives present. On 06JUL16, the San Diego County Medical Examiner's Office released its report and concluded the cause of V/LOVELACE's death was drowning and the manner was homicide. [redacted] was identified as the instructor who was with V/LOVELACE while he was struggling in the pool and subsequently pulled him out. CNRSW Firefighters who responded to the 911 call on 06MAY16 were interviewed and all stated V/LOVELACE appeared to be deceased when they arrived. V/LOVELACE's civilian medical records were requested and reviewed. On 09MAY16, a documentation and search of V/LOVELACE's barracks room was completed and his personal cell phone was seized and placed into evidence. Video recorded footage of the pool training was captured and has undergone forensic analysis and review. Pertinent Basic Underwater Demolition/SEAL (BUD/S) training records and documents have been received and reviewed by NCIS. The Commanding Officer (CO) at NSW BTC and Senior Trial Counsel at Region Legal Service Office (RLSO) Southwest were briefed throughout the investigation. The CO at NSW BTC declined to pursue criminal charges against [redacted]. Subsequently, the Chief of Staff, Regional Legal Service Office (RLSO) Trial Council Assistance Program, Washington, DC, reviewed the investigation. COS TCAP declined to prosecute this case, and it was presented to the Assistant United States Attorney's Office (AUSA), Southern District of California (SDCA), San Diego, CA. All investigative actions are complete. In OCT17, the AUSA, SDCA, declined to pursue federal charges.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NARRATIVE

1. This investigation was initiated on 06MAY16 upon notification of the death of V/LOVELACE. This investigation pertains to violations of the following statutes: Uniform Code of Military Justice Article 119 (b)(1) Manslaughter, California Penal Code 192 (b) Involuntary Manslaughter; and 18 U.S.C. Section 1112 (Involuntary Manslaughter). References (A)-(R) contain all investigative activity to date.

2. On 02OCT17, the AUSA, Southern District of California, San Diego, CA declined to pursue federal charges in this matter. This investigation is complete and pending a death review panel.

ACTION

R.SWFO: PLEASE CONDUCT DRP

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ACTION:SWFO
INFO :SWND

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(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 03OCT17

CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

DECLINATION FROM UNITED STATES ATTORNEY'S OFFICE, SOUTHERN DISTRICT OF CALIFORNIA

1. On 02OCT17, Reporting Agent, Supervisory Special Agent NCIS (b)(6), (b)(7)(C) and Assistant Special Agent in Charge NCIS (b)(6), (b)(7)(C) met with NCIS (b)(6), (b)(7)(C) IV, Assistant United States Attorney, San Diego, CA and NCIS (b)(6), (b)(7)(C) Assistant United States Attorney, Southern District of California, San Diego, CA. Both NCIS (b)(6), (b)(7)(C) informed that after a thorough review of the investigation and evidence, they declined to pursue federal charges pertaining to captioned investigation at this time.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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EXHIBIT (110)

S (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM) 02OCT17

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN

M/W/NEB3/S/[redacted]/27MAY94/FRANKFURT, GERMANY

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO/ NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

(A) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 1-55)/31MAY16
(B) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 56-83)/30JUN16
(C) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 84-96)/01AUG16
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(M) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBIT 109)/09MAY17
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(O) NCISRA SAN DIEGO, CA ROI (INTERIM)/30JUN17
(P) NCISRA SAN DIEGO, CA ROI (INTERIM)/31JUL17
(Q) NCISRA SAN DIEGO, CA ROI (INTERIM)/28AUG17

EXECUTIVE SUMMARY

1. This reactive investigation was initiated on 06MAY16 at 1412, when NCISRA San Diego, CA was notified via Commander Navy Region Southwest (CNRSW) dispatch that V/LOVELACE, a student training to become a Sea Air Land (SEAL) operator, was transported to Sharp Coronado Hospital, Coronado, CA, from building 164 (pool) aboard Naval Amphibious Base (NAB), Coronado, CA, as he was unconscious and it was uncertain if he was breathing. At approximately 1600, NCIS contacted Sharp Coronado Hospital and was informed V/LOVELACE was pronounced dead at 1436 at the hospital. NCIS (b)(6), (b)(7)(C)

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NCIS Forensic Consultant, was notified of V/LOVELACE's death. Members of the NCISRA San Diego Major Case Response Team (MCRT) responded to building 164 and Sharp Coronado Hospital to document the scene and V/LOVELACE's body. Interviews of Naval Special Warfare (NSW) Basic Training Center (BTC) instructors and students from V/LOVELACE's class were conducted and it was determined V/LOVELACE was observed to be struggling with keeping his head above the water, his face was red/purple, and an instructor was seen dunking him underwater during the training evolution. On 07MAY16, an autopsy of V/LOVELACE's body was conducted at the San Diego County Medical Examiner's office with NCIS representatives present. On 06JUL16, the San Diego County Medical Examiner's Office released its report and concluded the cause of V/LOVELACE's death was drowning and the manner was homicide. [redacted] identified as the instructor who was with V/LOVELACE while he was struggling in the pool and subsequently pulled him out. CNRSW Firefighters who responded to the 911 call on 06MAY16 were interviewed and all stated V/LOVELACE appeared to be deceased when they arrived. V/LOVELACE's civilian medical records were requested and reviewed. On 09MAY16, a documentation and search of V/LOVELACE's barracks room was completed and his personal cell phone was seized and placed into evidence. Video recorded footage of the pool training was captured and has undergone forensic analysis and review. Pertinent Basic Underwater Demolition/SEAL (BUD/S) training records and documents have been received and reviewed by NCIS. The Commanding Officer (CO) at NSW BTC and Senior Trial Counsel at Region Legal Service Office (RLSO) Southwest were briefed throughout the investigation. The CO at NSW BTC declined to pursue criminal charges against [redacted]. Subsequently, the Chief of Staff, Regional Legal Service Office (RLSO) Trial Council Assistance Program, Washington, DC, reviewed the investigation. COS TCAP declined to prosecute this case, and it was presented to the Assistant United States Attorney's Office (AUSA), Southern District of California (SDCA), San Diego, CA. All investigative actions are complete. This investigation is pending decision for administrative or judicial action by the AUSA, SDCA.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NARRATIVE

1. This investigation was initiated on 06MAY16 upon notification of the death of V/LOVELACE. This investigation pertains to violations of the following statutes: Uniform Code of Military Justice Article 119 (b)(1) Manslaughter, California Penal Code 192 (b) Involuntary Manslaughter; and 18 U.S.C. Section 1112 (Involuntary Manslaughter). References (A)-(Q) contain all investigative activity to date.

2. This investigation is pending decision for administrative or judicial action by the AUSA SDCA following their review.

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INFO :002P/SWND/SWFO

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S (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM) 28AUG17

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)
(A) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 1-55)/31MAY16
(B) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 56-83)/30JUN16
(C) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 84-96)/01AUG16
(D) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 97-101)/18AUG16
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(M) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBIT 109)/09MAY17
(N) NCISRA SAN DIEGO, CA ROI (INTERIM)/02JUN17
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(P) NCISRA SAN DIEGO, CA ROI (INTERIM)/31JUL17

EXECUTIVE SUMMARY
1. This reactive investigation was initiated on 06MAY16 at 1412, when NCISRA San Diego, CA was notified via Commander Navy Region Southwest (CNRSW) dispatch that V/LOVELACE, a student training to become a Sea Air Land (SEAL) operator, was transported to Sharp Coronado Hospital, Coronado, CA, from building 164 (pool) aboard Naval Amphibious Base (NAB), Coronado, CA, as he was unconscious and it was uncertain if he was breathing. At approximately 1600, NCIS contacted Sharp Coronado Hospital and was informed V/LOVELACE was pronounced dead at 1436 at the hospital. NCIS (b)(6), (b)(7)(C) NCIS Forensic Consultant, was notified of V/LOVELACE's death. Members of

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the NCISRA San Diego Major Case Response Team (MCRT) responded to building 164 and Sharp Coronado Hospital to document the scene and V/LOVELACE's body. Interviews of Naval Special Warfare (NSW) Basic Training Center (BTC) instructors and students from V/LOVELACE's class were conducted and it was determined V/LOVELACE was observed to be struggling with keeping his head above the water, his face was red/purple, and an instructor was seen dunking him underwater during the training evolution. On 07MAY16, an autopsy of V/LOVELACE's body was conducted at the San Diego County Medical Examiner's office with NCIS representatives present. On 06JUL16, the San Diego County Medical Examiner's Office released its report and concluded the cause of V/LOVELACE's death was drowning and the manner was [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) identified as the instructor who was with V/LOVELACE while he was struggling in the pool and subsequently pulled him out. CNRSW Firefighters who responded to the 911 call on 06MAY16 were interviewed and all stated V/LOVELACE appeared to be deceased when they arrived. V/LOVELACE's civilian medical records were requested and reviewed. On 09MAY16, a documentation and search of V/LOVELACE's barracks room was completed and his personal cell phone was seized and placed into evidence. Video recorded footage of the pool training was captured and has undergone forensic analysis and review. Pertinent Basic Underwater Demolition/SEAL (BUD/S) training records and documents have been received and reviewed by NCIS. The Commanding Officer (CO) at NSW BTC and Senior Trial Counsel at Region Legal Service Office (RLSO) Southwest were briefed throughout the investigation. The CO at NSW BTC declined to pursue criminal charges against [illegible] Subsequently, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) the Chief of Staff, Regional Legal Service Office (RLSO) Trial Council Assistance Program, Washington, DC, reviewed the investigation. COS TCAP declined to prosecute this case, and it was presented to the Assistant United States Attorney's Office (AUSA), Southern District of California (SDCA), San Diego, CA. All investigative actions are complete. This investigation is pending decision for administrative or judicial action by the AUSA, SDCA.

NARRATIVE

1. This investigation was initiated on 06MAY16 upon notification of the death of V/LOVELACE. This investigation pertains to violations of the following statutes: Uniform Code of Military Justice Article 119 (b)(1) Manslaughter, California Penal Code 192 (b) Involuntary Manslaughter; and 18 U.S.C. Section 1112 (Involuntary Manslaughter). References (A)-(P) contain all investigative activity to date.

2. This investigation is pending decision for administrative or judicial action by the AUSA SDCA following their review.

DISTRIBUTION
NCISHQ:23B1
INFO :SWND/SWFO/002P/UNITED STATES ATTORNEY'S OFFICE
SOUTHERN DISTRICT OF CALIFORNIA, SAN DIEGO, NCIS (b)(6), (b)(7)(C)
NCIS (b)(6), (b)(7)(C) (AUSA) (E)

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NCIS (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM) 31JUL17

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN

M/W/[illegible]/[illegible]/[illegible]/FRANKFURT, GERMANY

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO/ NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)
(A) NCISRA SAN DIEGO CA ROI (INTERIM)/(CONTAINS EXHIBITS 1-55)/31MAY16
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(M) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBIT 109)/09MAY17
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EXECUTIVE SUMMARY
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and Sharp Coronado Hospital to document the scene and V/LOVELACE's body. Interviews of Naval Special Warfare (NSW) Basic Training Center (BTC) instructors and students from V/LOVELACE's class were conducted and it was determined V/LOVELACE was observed to be struggling with keeping his head above the water, his face was red/purple, and an instructor was seen dunking him underwater during the training evolution. On 07MAY16, an autopsy of V/LOVELACE's body was conducted at the San Diego County Medical Examiner's office with NCIS representatives present. On 06JUL16, the San Diego County Medical Examiner's Office released its report and concluded the cause of V/LOVELACE's death was drowning and the manner was homicide. [redacted] identified as the instructor who was with V/LOVELACE while he was struggling in the pool and subsequently pulled him out. CNRSW Firefighters who responded to the 911 call on 06MAY16 were interviewed and all stated V/LOVELACE appeared to be deceased when they arrived. V/LOVELACE's civilian medical records were requested and reviewed. On 09MAY16, a documentation and search of V/LOVELACE's barracks room was completed and his personal cell phone was seized and placed into evidence. Video recorded footage of the pool training was captured and has undergone forensic analysis and review. Pertinent Basic Underwater Demolition/SEAL (BUD/S) training records and documents have been received and reviewed by NCIS. The Commanding Officer (CO) at NSW BTC and Senior Trial Counsel at Region Legal Service Office (RLSO) Southwest were briefed throughout the investigation. The CO at NSW BTC declined to pursue criminal charges against [redacted] subsequently, the Chief of Staff, Regional Legal Service Office (RLSO) Trial Council Assistance Program, Washington, DC, reviewed the investigation. COS TCAP declined to prosecute this case, and it was presented to the Assistant United States Attorney's Office (AUSA), Southern District of California (SDCA), San Diego, CA,. All investigative actions are complete. This investigation is pending decision for administrative or judicial action by the AUSA, SDCA.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NARRATIVE

1. This investigation was initiated on 06MAY16 upon notification of the death of V/LOVELACE. This investigation pertains to violations of the following statutes: Uniform Code of Military Justice Article 119 (b)(1) Manslaughter, California Penal Code 192 (b) Involuntary Manslaughter; and 18 U.S.C. Section 1112 (Involuntary Manslaughter). References (A)-(O) contain all investigative activity to date.

2. On 13Jul17, NCIS (b)(6), (b)(7)(C) Executive Assistant Director Pacific, NCIS, stated Trial Counsel Assistance Command (TCAP) would not be moving forward with this case and it was cleared to present to the US Attorney' office.

3. On 21Jul17, a copy of this case file was provided to NCIS (b)(6), (b)(7)(C) Assistant United States Attorney, Southern District of California, San Diego, CA.

4. This investigation is pending decision for administrative or judicial action.

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INFO :SWFO/SWND/002P

NCIS (b)(6), (b)(7)(C)

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(b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM) 30JUN17

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO, NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)
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(F) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 105-106)/17OCT16
(G) NCISRA SAN DIEGO, CA ROI (INTERIM)/14NOV16
(H) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBIT 107)/05DEC16
(I) NCISRA SAN DIEGO, CA ROI (INTERIM)/05JAN17
(J) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBIT 108)/06FEB17
(K) NCISRA SAN DIEGO, CA ROI (INTERIM)/08MAR17
(L) NCISRA SAN DIEGO, CA ROI (INTERIM)/04APR17
(M) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBIT 109)/09MAY17
(N) NCISRA SAN DIEGO, CA ROI (INTERIM)/02JUN17

EXECUTIVE SUMMARY

1. This reactive investigation was initiated on 06MAY16 at 1412, when NCISRA San Diego, CA was notified via Commander Navy Region Southwest (CNRSW) dispatch that V/LOVELACE, a student training to become a Sea Air Land (SEAL) operator, was transported to Sharp Coronado Hospital, Coronado, CA, from building 164 (pool) aboard Naval Amphibious Base (NAB), Coronado, CA, as he was unconscious and it was uncertain if he was breathing. At approximately 1600, NCIS contacted Sharp Coronado Hospital and was informed V/LOVELACE was pronounced dead at 1436 at the hospital. NCIS (b)(6), (b)(7)(C) NCIS Forensic Consultant, was notified of V/LOVELACE's death. Members of the NCISRA San Diego Major Case Response Team (MCRT) responded to building 164 and Sharp Coronado Hospital to document the scene and V/LOVELACE's body.

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Interviews of Naval Special Warfare (NSW) Basic Training Center (BTC) instructors and students from V/LOVELACE's class were conducted and it was determined V/LOVELACE was observed to be struggling with keeping his head above the water, his face was red/purple, and an instructor was seen dunking him underwater during the training evolution. On 07MAY16, an autopsy of V/LOVELACE's body was conducted at the San Diego County Medical Examiner's office with NCIS representatives present. On 06JUL16, the San Diego County Medical Examiner's Office released its report and concluded the cause of V/LOVELACE's death was drowning and the manner was homicide. [redacted] identified as the instructor who was with V/LOVELACE while he was struggling in the pool and subsequently pulled him out. CNRSW Firefighters who responded to the 911 call on 06MAY16 were interviewed and all stated V/LOVELACE appeared to be deceased when they arrived. V/LOVELACE's civilian medical records were requested and reviewed. On 09MAY16, a documentation and search of V/LOVELACE's barracks room was completed and his personal cell phone was seized and placed into evidence. Video recorded footage of the pool training was captured and has undergone forensic analysis and review. Pertinent Basic Underwater Demolition/SEAL (BUD/S) training records and documents have been received and reviewed by NCIS. The Commanding Officer (CO) at NSW BTC and Senior Trial Counsel at Region Legal Service Office (RLSO) Southwest were briefed throughout the investigation. The CO at NSW BTC declined to pursue criminal charges [redacted], before providing the investigation to the United States Attorney's Office, Southern District of California, San Diego, CA, the Staff Regional Legal Service Office, Washington, DC, has requested a review of the investigation. All investigative actions are complete. This investigation is pending decision for administrative or judicial action.

NARRATIVE

1. This investigation was initiated on 06MAY16 upon notification of the death of V/LOVELACE. This investigation pertains to violations of the following statutes: Uniform Code of Military Justice Article 119 (b)(1) Manslaughter, California Penal Code 192 (b) Involuntary Manslaughter; and 18 U.S.C. Section 1112 (Involuntary Manslaughter). References (A)-(N) contain all investigative activity to date.

2. On 06Jun17, this case was reviewed by the Trial Counsel Assistance Command (TCAP) with the following individuals present: CAPT [redacted] JAGC, USN, Regional Legal Services Office, Washington, DC, CAPT [redacted] JAGC, and CDR [redacted] JAGC, USN.

3. On 26Jun17, [redacted] CIV, Special Agent, NCISHQ, stated the Navy would not prosecuting this case. NCISHQ is scheduled to brief the Vice Chief of Naval Operations the week of 03Jul17 for a final decision.

4. This investigation is pending decision for administrative or judicial action.

DISTRIBUTION
NCISHQ:23B1
INFO :SWFO/SWND/002P

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM) 02JUN17

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN

M/M/NEB3/SEAL/27MAY94/FRANKFURT, GERMANY

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO/ NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)
(A) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 1-55)/31MAY16
(B) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 56-83)/30JUN16
(C) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 84-96)/01AUG16
(D) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 97-101)/18AUG16
(E) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 102-104)/26SEP16
(F) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 105-106)/17OCT16
(G) NCISRA SAN DIEGO, CA ROI (INTERIM)/14NOV16
(H) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBIT 107)/05DEC16
(I) NCISRA SAN DIEGO, CA ROI (INTERIM)/05JAN17
(J) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBIT 108)/06FEB17
(K) NCISRA SAN DIEGO, CA ROI (INTERIM)/08MAR17
(L) NCISRA SAN DIEGO, CA ROI (INTERIM)/04APR17
(M) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBIT 109)/09MAY17

EXECUTIVE SUMMARY
1. This reactive investigation was initiated on 06MAY16 at 1412, when NCISRA San Diego, CA was notified via Commander Navy Region Southwest (CNRSW) dispatch that V/LOVELACE, a student training to become a Sea Air Land (SEAL) operator, was transported to Sharp Coronado Hospital, Coronado, CA, from building 164 (pool) aboard Naval Amphibious Base (NAB), Coronado, CA, as he was unconscious and it was uncertain if he was breathing. At approximately 1600, NCIS contacted Sharp Coronado Hospital and was informed V/LOVELACE was pronounced dead at 1436 at the hospital. NCIS (b)(6), (b)(7)(C) NCIS Forensic Consultant, was notified of V/LOVELACE's death. Members of the NCISRA San Diego Major Case Response Team (MCRT) responded to building 164 and Sharp Coronado Hospital to document the scene and V/LOVELACE's body. Interviews of Naval Special Warfare (NSW) Basic Training Center (BTC) instructors and

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students from V/LOVELACE's class were conducted and it was determined V/LOVELACE was observed to be struggling with keeping his head above the water, his face was red/purple, and an instructor was seen dunking him underwater during the training evolution. On 07MAY16, an autopsy of V/LOVELACE's body was conducted at the San Diego County Medical Examiner's office with NCIS representatives present. On 06JUL16, the San Diego County Medical Examiner's Office released its report and concluded the cause of V/LOVELACE's death was drowning and the manner was homicide. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) identified as the instructor who was with V/LOVELACE while he was struggling in the pool and subsequently pulled him out. CNRSW Firefighters who responded to the 911 call on 06MAY16 were interviewed and all stated V/LOVELACE appeared to be deceased when they arrived. V/LOVELACE's civilian medical records were requested and reviewed. On 09MAY16, a documentation and search of V/LOVELACE's barracks room was completed and his personal cell phone was seized and placed into evidence. Video recorded footage of the pool training was captured and has undergone forensic analysis and review. Pertinent Basic Underwater Demolition/SEAL (BUD/S) training records and documents have been received and reviewed by NCIS. The Commanding Officer (CO) at NSW BTC and Senior Trial Counsel at Region Legal Service Office (RLSO) Southwest were briefed throughout the investigation. The CO at NSW BTC declined to pursue criminal charges against NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) as a result, before providing the investigation to the United States Attorney's Office, Southern District of California, San Diego, CA, the Staff Regional Legal Service Office, Washington, DC, has requested a review of the investigation.
All investigative actions are complete. This investigation is pending decision for administrative or judicial action.

NARRATIVE
1. This investigation was initiated on 06MAY16 upon notification of the death of V/LOVELACE. This investigation pertains to violations of the following statutes: Uniform Code of Military Justice Article 119 (b)(1) Manslaughter, California Penal Code 192 (b) Involuntary Manslaughter; and 18 U.S.C. Section 1112 (Involuntary Manslaughter). References (A)-(M) contain all investigative activity to date.

2. Active investigation is complete. Case status is pending the second review by Regional Legal Services Office's administrative or judicial action decision. CAPT NCIS (b)(6), (b)(7)(C) JAGC, USN, Regional Legal Services Office, Washington, DC, CAPT NCIS (b)(6), (b)(7)(C), USN JAGC, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN, Force Judge Advocate, NSW, Coronado, CA, have been briefed on the status of this investigation.

DISTRIBUTION
NCISHQ:23B1
INFO :002P/SWND/SWFO/Staff Regional Legal Service Offices, NCIS (b)(6), (b)(7)(C)
Washington, D.C. (CAPT NCIS (b)(6), (b)(7)(C) JAGC, USN) (E)

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NCIS (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM) 09MAY17

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO/ NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)
(A) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 1-55)/31MAY16
(B) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 56-83)/30JUN16
(C) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 84-96)/01AUG16
(D) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 97-101)/18AUG16
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(J) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBIT 108)/06FEB17
(K) NCISRA SAN DIEGO, CA ROI (INTERIM)/08MAR17
(L) NCISRA SAN DIEGO, CA ROI (INTERIM)/04APR17

EXHIBIT(S)
(109) IA: NOTIFICATION OF COMMANDING OFFICER'S, NSW BTC, DECLINATION TO PROSECUTE/09MAY17

EXECUTIVE SUMMARY
1. This reactive investigation was initiated on 06MAY16 at 1412, when NCISRA San Diego, CA was notified via Commander Navy Region Southwest (CNRSW) dispatch that V/LOVELACE, a student training to become a Sea Air Land (SEAL) operator, was transported to Sharp Coronado Hospital, Coronado, CA, from building 164 (pool) aboard Naval Amphibious Base (NAB), Coronado, CA, as he was unconscious and it was uncertain if he was breathing. At approximately 1600, NCIS contacted Sharp Coronado Hospital and was informed V/LOVELACE was pronounced dead at 1436 at the hospital. NCIS (b)(6), (b)(7)(C) NCIS Forensic Consultant, was notified of V/LOVELACE's death. Members of the NCISRA San Diego Major Case Response Team (MCRT) responded to building 164 and Sharp

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Coronado Hospital to document the scene and V/LOVELACE's body. Interviews of Naval Special Warfare (NSW) Basic Training Center (BTC) instructors and students from V/LOVELACE's class were conducted and it was determined V/LOVELACE was observed to be struggling with keeping his head above the water, his face was red/purple, and an instructor was seen dunking him underwater during the training evolution. On 07MAY16, an autopsy of V/LOVELACE's body was conducted at the San Diego County Medical Examiner's office with NCIS representatives present. On 06JUL16, the San Diego County Medical Examiner's Office released its report and concluded the cause of V/LOVELACE's death was drowning and the manner was homicide. [redacted] identified as the instructor who was with V/LOVELACE while he was struggling in the pool and subsequently pulled him out. CNRSW Firefighters who responded to the 911 call on 06MAY16 were interviewed and all stated V/LOVELACE appeared to be deceased when they arrived. V/LOVELACE's civilian medical records were requested and reviewed. On 09MAY16, a documentation and search of V/LOVELACE's barracks room was completed and his personal cell phone was seized and placed into evidence. Video recorded footage of the pool training was captured and has undergone forensic analysis and review. Pertinent Basic Underwater Demolition/SEAL (BUD/S) training records and documents have been received and reviewed by NCIS. The Commanding Officer (CO) at NSW BTC and Senior Trial Counsel at Region Legal Service Office (RLSO) Southwest were briefed on the status of the investigation. The CO at NSW BTC declined to pursue criminal charges against [redacted] result, before providing the investigation to the United States Attorney's Office, Southern District of California, San Diego, CA, the Trial Counsel Assistance Command, Washington, DC, has requested a review of the investigation. All investigative actions are complete. This investigation is pending decision for administrative or judicial action.

NARRATIVE

1. This investigation was initiated on 06MAY16 upon notification of the death of V/LOVELACE. This investigation pertains to violations of the following statutes: Uniform Code of Military Justice Article 119 (b)(1) Manslaughter and California Penal Code 192 (b) Involuntary Manslaughter; and 18 U.S.C. &#65533;1112 (Involuntary Manslaughter). References (A)-(L) contain all investigative activity to date.

2. On 06MAY16, [redacted] Force Judge Advocate, NSW, Coronado, CA, notified NCIS [redacted] Commanding Officer, NSW BTC, Coronado, CA, decision to not issue charges against [redacted] for the death of V/LOVELACE. Exhibit (109) pertains. Subsequent to this notification, NCIS informed NSW and the RLSO Southwest of NCIS' intent to brief the United States Attorney's Office, Southern District of California, San Diego, CA, on the investigation. After receiving this information, the US Navy has decided to have a second review of the investigation by the Trial Counsel Assistance Command (TCAP), Washington, DC.

3. Active investigation is complete. Case status is pending the second review by TCAP and administrative or judicial action decision. CAPT [redacted] JAGC, Director, TCAP, Washington, DC, and [redacted] JAGC, Force Judge Advocate, NSW, Coronado, CA, have been briefed on the status of this investigation.

DISTRIBUTION

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NCISHQ:23B1
INFO :SWFO/SWND/NSWC, CORONADO, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
JUDGE ADVOCATE) (E)/TCAP, WASHINGTON NAVY YARD (CAPT NCIS (b)(6), (b)(7)(C)
NCIS (b)(6), (b)(7)(C) RECTOR) (E)

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WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE.

(b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 09MAY17

CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NOTIFICATION OF COMMANDING OFFICER'S, NSW BTC, DECLINATION TO PROSECUTE

1. On 06APR17, NCIS was notified by [redacted], Staff Judge Advocate, Naval Special Warfare (NSW) Command, Coronado, CA, of [redacted], Commanding Officer, NSW Basic Training Center, Coronado, CA, decision to not pursue charges against [redacted] for the death of V/LOVELADY. [redacted] person of the decision.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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EXHIBIT (109)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM) 04APR17

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) KFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO/ NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)
(A) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 1-55)/31MAY16
(B) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 56-83)/30JUN16
(C) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 84-96)/01AUG16
(D) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 97-101)/18AUG16
(E) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 102-104)/26SEP16
(F) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 105-106)/17OCT16
(G) NCISRA SAN DIEGO, CA ROI (INTERIM)/14NOV16
(H) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBIT 107)/05DEC16
(J) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBIT 108)/06FEB17
(K) NCISRA SAN DIEGO, CA ROI (INTERIM)/08MAR17

EXECUTIVE SUMMARY
1. This reactive investigation was initiated on 06MAY16 at 1412, when NCISRA San Diego, CA was notified via Commander Navy Region Southwest (CNRSW) dispatch that V/LOVELACE, a student training to become a Sea Air Land (SEAL) operator, was transported to Sharp Coronado Hospital, Coronado, CA, from building 164 (pool) aboard Naval Amphibious Base (NAB), Coronado, CA, as he was unconscious and it was uncertain if he was breathing. At approximately 1600, NCIS contacted Sharp Coronado Hospital and was informed V/LOVELACE was pronounced dead at 1436 at the hospital. NCIS (b)(6), (b)(7)(C) NCIS Forensic Consultant, was notified of V/LOVELACE's death. Members of the NCISRA San Diego Major Case Response Team (MCRT) responded to building 164 and Sharp Coronado Hospital to document the scene and V/LOVELACE's body. Interviews of Naval Special Warfare (NSW) Basic Training Center (BTC) instructors and students from V/LOVELACE's class were conducted and it was determined V/LOVELACE was observed to be struggling with keeping his head above the water, his face was red/purple, and an instructor was seen dunking him underwater during the training evolution. On 07MAY16, an autopsy of

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V/LOVELACE's body was conducted at the San Diego County Medical Examiner's office with NCIS representatives present. On 06JUL16, the San Diego County Medical Examiner's Office released its report and concluded the cause of V/LOVELACE's death was drowning and the manner was homicide. [redacted] identified as the instructor who was with V/LOVELACE while he was struggling in the pool and subsequently pulled him out. CNRSW Firefighters who responded to the 911 call on 06MAY16 were interviewed and all stated V/LOVELACE appeared to be deceased when they arrived. V/LOVELACE's civilian medical records were requested and reviewed. On 09MAY16, a documentation and search of V/LOVELACE's barracks room was completed and his personal cell phone was seized and placed into evidence. Video recorded footage of the pool training was captured and has undergone forensic analysis and review. Pertinent Basic Underwater Demolition/SEAL (BUD/S) training records and documents have been received and reviewed by NCIS. The Commanding Officer at NSW BTC and Senior Trial Counsel at Region Legal Service Office (RLSO) Southwest were briefed on the status of the investigation. All investigative actions are complete. This investigation is pending administrative or judicial action.

NARRATIVE
1. This investigation was initiated on 06MAY16 upon notification of the death of V/LOVELACE. This investigation pertains to violations of the following statutes: Uniform Code of Military Justice Article 119 (b)(1) Manslaughter and California Penal Code 192 (b) Involuntary Manslaughter. References (A)-(K) contain all investigative activity to date.

2. Active investigation is complete. Case status is pending administrative or judicial action decision. CDR [redacted], USN, Senior Trial Counsel, RLSO Southwest, [redacted], CO, NSW BTC, [redacted] Coronado, were briefed on the status of the investigation.

DISTRIBUTION
NCISHQ:23B1
INFO :SWFO/SWND/RLSO SOUTHWEST, SAN DIEGO, CA ([redacted])
[redacted]/NSW BTC, CORONADO, CA ([redacted])

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM) 08MAR17

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)
(A) NCISRA SAN DIEGO CA ROI (INTERIM)/(CONTAINS EXHIBITS 1-55)/31MAY16
(B) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 56-83)/30JUN16
(C) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 84-96)/01AUG16
(D) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 97-101)/18AUG16
(E) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 102-104)/26SEP16
(F) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 105-106)/17OCT16
(G) NCISRA SAN DIEGO, CA ROI (INTERIM)/14NOV16
(H) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBIT 107)/05DEC16
(I) NCISRA SAN DIEGO, CA ROI (INTERIM)/05JAN17
(J) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBIT 108)/06FEB17

EXECUTIVE SUMMARY
1. This reactive investigation was initiated on 06MAY16 at 1412, when NCISRA San Diego, CA was notified via Commander Navy Region Southwest (CNRSW) dispatch that V/LOVELACE, a student training to become a Sea Air Land (SEAL) operator, was transported to Sharp Coronado Hospital, Coronado, CA, from building 164 (pool) aboard Naval Amphibious Base (NAB), Coronado, CA, as he was unconscious and it was uncertain if he was breathing. At approximately 1600, NCIS contacted Sharp Coronado Hospital and was informed V/LOVELACE was pronounced dead at 1436 at the hospital. NCIS (b)(6), (b)(7)(C) NCIS Forensic Consultant, was notified of V/LOVELACE's death. Members of the NCISRA San Diego Major Case Response Team (MCRT) responded to building 164 and Sharp Coronado Hospital to document the scene and V/LOVELACE's body. Interviews of Naval Special Warfare (NSW) Basic Training Center (BTC) instructors and students from V/LOVELACE's class were conducted and it was determined V/LOVELACE was observed to be struggling with keeping his head above the water, his face was red/purple, and an instructor was seen dunking him underwater during the training evolution. On 07MAY16, an autopsy of

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V/LOVELACE's body was conducted at the San Diego County Medical Examiner's office with NCIS representatives present. On 06JUL16, the San Diego County Medical Examiner's Office released its report and concluded the cause of V/LOVELACE's death was drowning and the manner was homicide. [redacted] identified as the instructor who was with V/LOVELACE while he was struggling in the pool and subsequently pulled him out. CNRSW Firefighters who responded to the 911 call on 06MAY16 were interviewed and all stated V/LOVELACE appeared to be deceased when they arrived. V/LOVELACE's civilian medical records were requested and reviewed. On 09MAY16, a documentation and search of V/LOVELACE's barracks room was completed and his personal cell phone was seized and placed into evidence. Video recorded footage of the pool training was captured and has undergone forensic analysis and review. Pertinent Basic Underwater Demolition/SEAL (BUD/S) training records and documents have been received and reviewed by NCIS. The Commanding Officer at NSW BTC and Senior Trial Counsel at Region Legal Service Office (RLSO) Southwest were briefed on the status of the investigation. All investigative actions are complete. This investigation is pending administrative or judicial action.

NARRATIVE
1. This investigation was initiated on 06MAY16 upon notification of the death of V/LOVELACE. This investigation pertains to violations of the following statutes: Uniform Code of Military Justice Article 119 (b)(1) Manslaughter and California Penal Code 192 (b) Involuntary Manslaughter. References (A)-(J) contain all investigative activity to date.

2. Subsequent to the submission of Reference (J), two errors were identified in the published version. In Reference (J), it was written that Reference (H) contained no exhibits instead of exhibit (107) and the exhibit for Reference (J) was numbered as 107 instead of 108. This interim report has corrected the discrepancies.

3. Active investigation is complete. Case status is pending administrative or judicial action decision. CDR [redacted] USN, Senior Trial Counsel, RLSO Southwest, and [redacted], Commanding Officer, NSW BTC, NAB Coronado, were briefed on the status of the investigation.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM) 06FEB17

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)
(A) NCISRA SAN DIEGO CA ROI (INTERIM)/(CONTAINS EXHIBITS 1-55)/31MAY16
(B) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 56-83)/30JUN16
(C) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 84-96)/01AUG16
(D) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 97-101)/18AUG16
(E) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 102-104)/26SEP16
(F) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 105-106)/17OCT16
(G) NCISRA SAN DIEGO, CA ROI (INTERIM)/14NOV16
(H) NCISRA SAN DIEGO, CA ROI (INTERIM)/05DEC16 (CONTAINS EXHIBIT 107)
(I) NCISRA SAN DIEGO, CA ROI (INTERIM)/05JAN17

EXHIBIT(S)
(108) IA: RESULTS OF INTERVIEW OF SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN/06FEB17

EXECUTIVE SUMMARY
1. This reactive investigation was initiated on 06MAY16 at 1412, when NCISRA San Diego, CA was notified via Commander Navy Region Southwest (CNRSW) dispatch that V/LOVELACE, a student training to become a Sea Air Land (SEAL) operator, was transported to Sharp Coronado Hospital, Coronado, CA, from building 164 (pool) aboard Naval Amphibious Base (NAB), Coronado, CA, as he was unconscious and it was uncertain if he was breathing. At approximately 1600, NCIS contacted Sharp Coronado Hospital and was informed V/LOVELACE was pronounced dead at 1436 at the hospital. NCIS (b)(6), (b)(7)(C) NCIS Forensic Consultant, was notified of V/LOVELACE's death. Members of the NCISRA San Diego Major Case Response Team (MCRT) responded to building 164 and Sharp Coronado Hospital to document the scene and V/LOVELACE's body. Interviews of Naval Special Warfare (NSW) Basic Training Center (BTC) instructors and students from V/LOVELACE's class were conducted and it was determined V/LOVELACE was observed to be struggling with keeping his head above the water, his face was red/purple, and an instructor was seen dunking him

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underwater during the training evolution. On 07MAY16, an autopsy of V/LOVELACE's body was conducted at the San Diego County Medical Examiner's office with NCIS representatives present. On 06JUL16, the San Diego County Medical Examiner's Office released its report and concluded the cause of V/LOVELACE's death was drowning and the manner was homicide. [redacted] identified as the instructor who was with V/LOVELACE while he was struggling in the pool and subsequently pulled him out. CNRSW Firefighters who responded to the 911 call on 06MAY16 were interviewed and all stated V/LOVELACE appeared to be deceased when they arrived. V/LOVELACE's civilian medical records were requested and reviewed. On 09MAY16, a documentation and search of V/LOVELACE's barracks room was completed and his personal cell phone was seized and placed into evidence. Video recorded footage of the pool training was captured and has undergone forensic analysis and review. Pertinent Basic Underwater Demolition/SEAL (BUD/S) training records and documents have been received and reviewed by NCIS. The Commanding Officer at NSW BTC and Senior Trial Counsel at Region Legal Service Office (RLSO) Southwest were briefed on the status of the investigation. All investigative actions are complete. This investigation is pending administrative or judicial action.

NARRATIVE

1. This investigation was initiated on 06MAY16 upon notification of the death of V/LOVELACE. This investigation pertains to violations of the following statutes: Uniform Code of Military Justice Article 119 (b)(1) Manslaughter and California Penal Code 192 (b) Involuntary Manslaughter. References (A)-(I) contain all investigative activity to date.

2. In JAN17, it was determined SN [redacted], USN, NSW, NAB Coronado, a BUD/S student in MAY16, was inadvertently not interviewed with the rest of his classmates. On 03FEB17, Reporting Agent met with SN [redacted] and conducted the interview. SN [redacted] did not witness [redacted] with V/LOVELACE on 06MAY16. Exhibit (107) pertains.

3. Active investigation is complete. Case status is pending administrative or judicial action decision. CDR [redacted], USN, Senior Trial Counsel, RLSO Southwest, and CDR [redacted], Commanding Officer, NSW BTC, NAB Coronado, were briefed on the status of the investigation.

DISTRIBUTION
NCISHQ:23B1
INFO :SWND/SWFO/NSW BTC, NAB CORONADO, CA (CDR [redacted] (H)
(E)/RLSO SOUTHWEST SAN DIEGO, CA (CDR [redacted] (H)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 06FEB17

CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF INTERVIEW OF SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN

1. On 03FEB17, Reporting Agent met with SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN, Naval Special Warfare (NSW), SEa, Air Land (SEAL) Qualification Training (SQT), Naval Amphibious Base (NAB), Coronado, CA. As background, SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was a Basic Underwater Demolition/SEAL (BUD/S) student in class 319 and was a classmate of V/LOVELACE. Due to unknown circumstances, SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was never interviewed regarding his participation in the Combat Swimming Orientation (CSO) evolution at the Combat Training Tank (CTT) on 06MAY16, the day V/LOVELACE died. It was also determined that SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was pulled out of the CTT on 06MAY16 and was medically treated by the duty corpsman.

2. SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recalled his participation in the CSO on 06MAY16 and described it as chaotic but he never felt unsafe. He informed all of the students were ordered to enter the CTT when their birth month was called out. Since SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) birthday is in January, he was the first one in the CTT. He recalled having to "combat tread" in full camouflage clothing and boots and to "charge" (fill) his mask with water. SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recalled being bumped, splashed and dunked but could not tell who it was as he was in the center of the "beehive" and his vision was obstructed by his charged mask. SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he felt the aspect of being splashed, bumped and dunked was a normal part of the evolution. SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) related he was exhausted and disoriented during the evolution. At one point, he heard the order to get into formation with his boat crew; however, he could not find it. The next thing he remembered was going "under" the NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) have been "buddy towed" to the side of the CTT and pulled out where he vomited a combination of water and food from NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was the person who treated him on the CTT deck and identified their location as behind the dive towers on the west end of the CTT.

3. SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he was being treated on the deck when V/LOVELACE was pulled out of the water. He added when V/LOVELACE was pulled out, HM1 NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) instructed him to move to the fence to rest and catch his breath. SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported he did not see V/LOVELACE taken out of the CTT but he did hear someone say to call 911. SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated shortly all of the students were ordered out of the CTT and to muster on at the west end fence with their backs to the CTT. SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not hear or see anything pertaining to the treatment of V/LOVELACE on the side of the CTT.

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EXHIBIT (108)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was the only instructor he recalls seeing in the CTT that day was SO1 NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN, NSW Basic Training Center (BTC), NAB Coronado, CA. According to the instructor interview, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was in the CTT that day and was not very cognizant of him until after V/LOVELACE NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) to the best of his knowledge, he had no interaction with NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) during the first week of BUD/S. He described NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) as not trying to hurt me. I felt safety was a priority [illegible] had no knowledge of why he did not have anything on which to base it. When NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not know of any Class 319 students talking about any of the instructors before or after V/LOVELACE's death. He did not hear anyone discuss what they saw or heard NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) had with V/LOVELACE during the CSO evolution. SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he did not see any interaction with V/LOVELACE at all during the evolution and did not notice V/LOVELACE in the CTT that day. SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) later added he did not recall seeing V/LOVELACE at all on 06MAY16.

5. SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) informed that subsequent to V/LOVELACE being transported to the hospital, he and another student who was pulled from the CTT were transported by instructors to medical, were further evaluated, released, and allowed to go to dinner with their classmates. SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) and the other student did not discuss why they were pulled out of the CTT or about V/LOVELACE's [illegible] dinner, Class 319 convened in their classroom and sometime in the evening, their instructors informed them of V/LOVELACE's [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) anyone was solemn and many were teary-eyed; but no one broke down [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not know V/LOVELACE too well as they did not attend boot camp together, only pre-BUD/S at Great Lakes. [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) remembered V/LOVELACE's [illegible] NCIS (b)(6), (b)(7)(C)

6. SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated V/LOVELACE was shorter than he so they were never assigned to the same boat crews (based on height). Because of this, SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was never in a position to work out and train alongside V/LOVELACE. When asked what he recalled about V/LOVELACE from pre-BUD/S, SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he never noticed him complain about illness or have any injuries. [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recalled V/LOVELACE "performed fine" and did not recall V/LOVELACE having any trouble during the water treading exercises which he opined were a lot easier than the treading exercises at [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) unaware of V/LOVELACE or others having problems with their physical activities.

7. SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) attested his removal from the CTT that day had nothing to do with the NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) instructor. He added he felt the evolution was "normal" and the reason he blacked out was he "couldn't control the water in my mask from going into my nose and breathing from my mouth." SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he would be available for any follow-up questions if needed and had nothing further to add.

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REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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IS (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM) 05JAN17

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) KFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)
(A) NCISRA SAN DIEGO CA ROI (INTERIM)/(CONTAINS EXHIBITS 1-55)/31MAY16
(B) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 56-83)/30JUN16
(C) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 84-96)/01AUG16
(D) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 97-101)/18AUG16
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(F) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 105-106)/17OCT16
(G) NCISRA SAN DIEGO, CA ROI (INTERIM)/14NOV16
(H) NCISRA SAN DIEGO, CA ROI (INTERIM)/05DEC16

EXECUTIVE SUMMARY
1. This reactive investigation was initiated on 06MAY16 at 1412, when NCISRA San Diego, CA was notified via Commander Navy Region Southwest (CNRSW) dispatch that V/LOVELACE, a student training to become a Sea Air Land (SEAL) operator, was transported to Sharp Coronado Hospital, Coronado, CA, from building 164 (pool) aboard Naval Amphibious Base (NAB), Coronado, CA, as he was unconscious and it was uncertain if he was breathing. At approximately 1600, NCIS contacted Sharp Coronado Hospital and was informed V/LOVELACE was pronounced dead at 1436 at the hospital. NCIS (b)(6), (b)(7)(C) NCIS Forensic Consultant, was notified of V/LOVELACE's death. Members of the NCISRA San Diego Major Case Response Team (MCRT) responded to building 164 and Sharp Coronado Hospital to document the scene and V/LOVELACE's body. Interviews of Naval Special Warfare (NSW) Basic Training Center (BTC) instructors and students from V/LOVELACE's class were conducted and it was determined V/LOVELACE was observed to be struggling with keeping his head above the water, his face was red/purple, and an instructor was seen dunking him underwater during the training evolution. On 07MAY16, an autopsy of V/LOVELACE's body was conducted at the San Diego County Medical Examiner's office with NCIS representatives present. On 06JUL16, the San Diego County Medical Examiner's Office released its report and concluded the cause of V/LOVELACE's death was drowning and the manner was homicide. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

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identified as the instructor who was with V/LOVELACE while he was struggling in the pool and subsequently pulled him out. CNRSW Firefighters who responded to the 911 call on 06MAY16 were interviewed and all stated V/LOVELACE appeared to be deceased when they arrived. V/LOVELACE's civilian medical records were requested and reviewed. On 09MAY16, a documentation and search of V/LOVELACE's barracks room was completed and his personal cell phone was seized and placed into evidence. Video recorded footage of the pool training was captured and has undergone forensic analysis and review. Pertinent Basic Underwater Demolition/SEAL (BUD/S) training records and documents have been received and reviewed by NCIS. The Commanding Officer at NSW BTC and Senior Trial Counsel at Region Legal Service Office (RLSO) Southwest were briefed on the status of the investigation. All investigative actions are complete. This investigation is pending administrative or judicial action.

NARRATIVE
1. This investigation was initiated on 06MAY16 upon notification of the death of V/LOVELACE. This investigation pertains to violations of the following statutes: Uniform Code of Military Justice Article 119 (b)(1) Manslaughter and California Penal Code 192 (b) Involuntary Manslaughter. References (A)-(H) contain all investigative activity to date.

2. Active investigation is complete. Case status is pending administrative or judicial action decision. CDR NCIS (b)(6), (b)(7)(C) USN, Senior Trial Counsel, RLSO Southwest, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3):10 USC § 130b, Commanding Officer, NSW BTC, NAB Coronado, were briefed on the status of the investigation.

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NCIS (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM) 05DEC16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)
(A) NCISRA SAN DIEGO CA ROI (INTERIM)/(CONTAINS EXHIBITS 1-55)/31MAY16
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(C) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 84-96)/01AUG16
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(F) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 105-106)/17OCT16
(G) NCISRA SAN DIEGO, CA ROI (INTERIM)/14NOV16

EXHIBIT(S)
(107) IA: RECEIPT AND REVIEW OF V/LOVELACE'S CIVILIAN MEDICAL RECORDS/01DEC16

EXECUTIVE SUMMARY
1. This reactive investigation was initiated on 06MAY16 at 1412, when NCISRA San Diego, CA was notified via Commander Navy Region Southwest (CNRSW) dispatch that V/LOVELACE, a student training to become a Sea Air Land (SEAL) operator, was transported to Sharp Coronado Hospital, Coronado, CA, from building 164 (pool) aboard Naval Amphibious Base (NAB), Coronado, CA, as he was unconscious and it was uncertain if he was breathing. At approximately 1600, NCIS contacted Sharp Coronado Hospital and was informed V/LOVELACE was pronounced dead at 1436 at the hospital. NCIS (b)(6), (b)(7)(C) NCIS Forensic Consultant, was notified of V/LOVELACE's death. Members of the NCISRA San Diego Major Case Response Team (MCRT) responded to building 164 and Sharp Coronado Hospital to document the scene and V/LOVELACE's body. Interviews of Naval Special Warfare (NSW) Basic Training Center (BTC) instructors and students from V/LOVELACE's class were conducted and it was determined V/LOVELACE was observed to be struggling with keeping his head above the water, his face was red/purple, and an instructor was seen dunking him underwater during the training evolution. On 07MAY16, an autopsy of V/LOVELACE's body was conducted at the San Diego County Medical Examiner's

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office with NCIS representatives present. On 06JUL16, the San Diego County Medical Examiner's Office released its report and concluded the cause of V/LOVELACE's death was drowning and the manner was homicide. [redacted] identified as the instructor who was with V/LOVELACE while he was struggling in the pool and subsequently pulled him out. CNRSW Firefighters who responded to the 911 call on 06MAY16 were interviewed and all stated V/LOVELACE appeared to be deceased when they arrived. V/LOVELACE's civilian medical records were requested and reviewed. On 09MAY16, a documentation and search of V/LOVELACE's barracks room was completed and his personal cell phone was seized and placed into evidence. Video recorded footage of the pool training was captured and has undergone forensic analysis and review. Pertinent Basic Underwater Demolition/SEAL (BUD/S) training records and documents have been received and reviewed by NCIS. The Commanding Officer at NSW BTC and Senior Trial Counsel at Region Legal Service Office (RLSO) Southwest were briefed on the status of the investigation. All investigative actions are complete. This investigation is pending administrative or judicial action.

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2. On 29NOV16, [redacted] provided a copy of additional medical records for V/LOVELACE from the Advanced Family Medical Center, Crestview, FL. The medical records were reviewed and are included in Exhibit (107).

3. Active investigation is complete. Case status is pending administrative or judicial action decision. CDR [redacted] USN, Senior Trial Counsel, RLSO Southwest, and [redacted] Commanding Officer, NSW BTC, NAB Coronado, were briefed on the status of the investigation.

DISTRIBUTION
NCISHQ:23B1
INFO :SWFO/NSW BTC, NAB CORONADO (CDR [redacted]
OFFICER) (H)/SWND/RLSO SOUTHWEST (CDR [redacted] (H)

[redacted]

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 01DEC16

CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RECEIPT AND REVIEW OF V/LOVELACE'S CIVILIAN MEDICAL RECORDS

1. On 29NOV16, NCIS (b)(6), (b)(7)(C) CIV, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) emailed a copy of medical records for V/LOVELACE from the Advanced Family Medical Center, Crestview, FL. The records were from four separate visits dated 14MAR11, 28AUG12, 14JAN15, and 16APR15. NCIS (b)(6), (b)(7)(C) was identified on the top of each record entry. Enclosure (A) pertains.

2. Upon review of the records, Reporting Agent (RA) noted for the earliest date (14MAR11), V/LOVELACE was seen for NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) It was noted that NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) but didn't take it consistently." There was no mention of when or why V/LOVELACE was previously prescribed the NCIS (b)(6), (b)(7)(C) On 28AUG12, V/LOVELACE was seen at the Advanced Family Medical Center for NCIS (b)(6), (b)(7)(C) It was noted he had NCIS (b)(6), (b)(7)(C) is the NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) V/LOVELACE was prescribed NCIS (b)(6), (b)(7)(C) (antibiotic) and NCIS (b)(6), (b)(7)(C) (steroid to treat NCIS (b)(6), (b)(7)(C)

3. On 14JAN15, there were no illnesses listed, but V/LOVELACE was seen for an injury to his NCIS (b)(6), (b)(7)(C) In the section "Assessment/Diagnosis," it listed, NCIS (b)(6), (b)(7)(C) and NCIS (b)(6), (b)(7)(C) CAUSE UNSPECIFIED." NCIS (b)(6), (b)(7)(C) The list of medications for V/LOVELACE at this date were NCIS (b)(6), (b)(7)(C)

NCIS (b)(6), (b)(7)(C)

4. On 16APR15, the first page has "last encounter" handwritten on the top of the medical record. On this visit, V/LOVELACE was seen as a follow up to an urgent care visit. V/LOVELACE complained of NCIS (b)(6), (b)(7)(C) as he was involved in a physical altercation and NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) In the Assessment/Diagnosis section, it noted

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EXHIBIT (107)

V/LOVELACE's swollen [redacted] and also had previously listed items "OTH [redacted] and [redacted] CAUSE UNSPECIFIED."

5. The final page of the records, dated 09NOV11, was from a separate provider, [redacted] located at 928 B-Mar Walt Dr, Ft. Walton, FL. The record pertained to a follow-up appointment for V/LOVELACE's [redacted] There was no further pertinent information identified in the records.

ENCLOSURE(S)
(A) ADDITIONAL ADVANCED FAMILY MEDICAL CENTER RECORDS FOR V/LOVELACE/VARIOUS DATES

REPORTED BY: [redacted] Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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Pages 50 through 85 redacted for the following reasons:
- -
Enclosure (A) to Exhibit (107): Contact Advanced Family Medical Center to obtain

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM) 14NOV16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO/ NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)
(A) NCISRA SAN DIEGO CA ROI (INTERIM)/(CONTAINS EXHIBITS 1-55)/31MAY16
(B) NCISRA SAN DIEGO CA ROI (INTERIM)/(CONTAINS EXHIBITS 56-83)/30JUN16
(C) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 84-96)/01AUG16
(D) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 97-101)/18AUG16
(E) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 102-104)/26SEP16
(F) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 105-106)/17OCT16

EXECUTIVE SUMMARY
1. This reactive investigation was initiated on 06MAY16 at 1412, when NCISRA San Diego, CA was notified via Commander Navy Region Southwest (CNRSW) dispatch that V/LOVELACE, a student training to become a Sea Air Land (SEAL) operator, was transported to Sharp Coronado Hospital, Coronado, CA, from building 164 (pool) aboard Naval Amphibious Base (NAB), Coronado, CA, as he was unconscious and it was uncertain if he was breathing. At approximately 1600, NCIS contacted Sharp Coronado Hospital and was informed V/LOVELACE was pronounced dead at 1436 at the hospital. NCIS (b)(6), (b)(7)(C) NCIS Forensic Consultant, was notified of V/LOVELACE's death. Members of the NCISRA San Diego Major Case Response Team (MCRT) responded to building 164 and Sharp Coronado Hospital to document the scene and V/LOVELACE's body. Interviews of Naval Special Warfare (NSW) Basic Training Center (BTC) instructors and students from V/LOVELACE's class were conducted and it was determined V/LOVELACE was observed to be struggling with keeping his head above the water, his face was red/purple, and an instructor was seen dunking him underwater during the training evolution. On 07MAY16, an autopsy of V/LOVELACE's body was conducted at the San Diego County Medical Examiner's office with NCIS representatives present. On 06JUL16, the San Diego County Medical Examiner's Office released its report and concluded the cause of V/LOVELACE's death was drowning and the manner was homicide. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) identified as the instructor who was with V/LOVELACE while he was struggling in the pool and subsequently pulled him out. CNRSW Firefighters who

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responded to the 911 call on 06MAY16 were interviewed and all stated V/LOVELACE appeared to be deceased when they arrived. V/LOVELACE's civilian medical records were requested and reviewed. On 09MAY16, a documentation and search of V/LOVELACE's barracks room was completed and his personal cell phone was seized and placed into evidence. Video recorded footage of the pool training was captured and has undergone forensic analysis and review. Pertinent Basic Underwater Demolition/SEAL (BUD/S) training records and documents have been received and reviewed by NCIS. The Commanding Officer at NSW BTC and Senior Trial Counsel at Region Legal Service Office (RLSO) Southwest were briefed on the status of the investigation. All investigative actions are complete. This investigation is pending administrative or judicial action.

NARRATIVE

1. This investigation was initiated on 06MAY16 upon notification of the death of V/LOVELACE. This investigation pertains to violations of the following statutes: Uniform Code of Military Justice Article 119 (b)(1) Manslaughter and California Penal Code 192 (b) Involuntary Manslaughter.

2. References (A)-(F) contain all investigative activity to date.

3. No investigative actions were completed during this reporting period. Active investigation is complete. Case status is pending administrative or judicial action decision. CDR NCIS (b)(6), (b)(7)(C), USN, Senior Trial Counsel, RLSO Southwest, CDR NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(H) 10 USC § 130b), Commanding Officer, NSW BTC, NAB Coronado, were briefed on the status of the investigation.

DISTRIBUTION
NCISHQ:23B1
INFO :SWND/RLSO SOUTHWEST (CDR NCIS (b)(6), (b)(7)(C) (H)/SWFO/NSW
BTC NAB CORONADO (CDR NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(H) 10 USC § 130b)

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NCIS (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM) 17OCT16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO, NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)
(A) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 1-55)/31MAY16
(B) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 56-83)/30JUN16
(C) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 84-96)/01AUG16
(D) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 97-101)/18AUG16
(E) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 102-104)/26SEP16

EXHIBIT(S)
(105) IA: RESULTS OF SECOND INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
(106) DEATH CERTIFICATE OF V/LOVELACE/14OCT16

EXECUTIVE SUMMARY

1. On 06MAY16 at 1412, NCISRA San Diego, CA was notified via Commander Navy Region Southwest (CNRSW) dispatch that V/LOVELACE, a student training to become a SEa Air Land (SEAL) operator, was transported to Sharp Coronado Hospital, Coronado, CA, from building 164 (pool) aboard Naval Amphibious Base (NAB), Coronado, CA, as he was unconscious and it was uncertain if he was breathing. At approximately 1600, NCIS contacted Sharp Coronado Hospital and was informed V/LOVELACE was pronounced dead at 1436 at the hospital. NCIS (b)(6), (b)(7)(C) NCIS Forensic Consultant, was notified of V/LOVELACE's death. Members of the NCISRA San Diego Major Case Response Team (MCRT) responded to building 164 and Sharp Coronado Hospital to document the scene and V/LOVELACE's body. Interviews of Naval Special Warfare (NSW) Basic Training Center (BTC) instructors and students from V/LOVELACE's class were conducted and it was determined V/LOVELACE was observed to be struggling with keeping his head above the water, his face was red/purple, and an instructor was seen dunking him underwater during the training evolution. On 07MAY16, an autopsy of V/LOVELACE's body was conducted at the San Diego County Medical Examiner's office with NCIS representatives present. On 09MAY16, a documentation and search of V/LOVELACE's barracks room was completed and his personal cell phone was seized and placed into evidence.

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Video recorded footage of the pool training was captured and has undergone forensic analysis and review. Pertinent Basic Underwater Demolition/SEAL (BUD/S) training records and documents have been received and reviewed by NCIS. On 06JUL16, the San Diego County Medical Examiner's Office released its report and concluded the cause of V/LOVELACE's death was drowning and the manner was [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was identified as the instructor who was with V/LOVELACE while he was struggling in the pool and subsequently pulled him out. CNRSW Firefighters who responded to the 911 call on 06MAY16 were interviewed and all stated V/LOVELACE appeared to be deceased when they arrived. V/LOVELACE's civilian medical records were requested and reviewed. The Commanding Officer at NSW BTC and Senior Trial Counsel at Region Legal Service Office (RLSO) Southwest were briefed on the status of the investigation. All investigative actions are complete. This investigation is pending administrative or judicial action.

NARRATIVE

1. This investigation was initiated on 06MAY16 upon notification of the death of V/LOVELACE. This investigation pertains to violations of the following statutes: Uniform Code of Military Justice Article 119 (b)(1) Manslaughter and California Penal Code 192 (b) Involuntary Manslaughter.

2. On 06OCT16, Reporting Agent (RA) interviewed SO1 [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN, NSW BTC, NAB Coronado, CA as a follow-up to the interview he gave on 06MAY16 [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) collections of the Combat Swimmer Orientation (CSO) evolution on 06OCT16 as well as overall protocol for safety swimmer instructors during the CSO. Exhibit (105) pertains.

3. On 14OCT16, RA was notified by the County of San Diego Clerk's Office that the amendment to the death certificate for V/LOVELACE was available. RA obtained an official copy of the certificate and amendment. Exhibit (106) pertains.

4. Active investigation is complete. CDR [redacted] NCIS (b)(6), (b)(7)(C) USN, Senior Trial Counsel, RLSO Southwest, [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Commanding Officer, NSW BTC, NAB Coronado, were briefed on the status of the investigation.

DISTRIBUTION [redacted] NCIS (b)(6), (b)(7)(C)
NCISHQ:23B1 (E) 2nd (1)
INFO :RLSO SOUTHWEST (CDR [redacted] NCIS (b)(6), (b)(7)(C) (H)/SWFO/NSW BTC
NAB CORONADO (CDR [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) (H)/CNRSW

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 06OCT16

CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF SECOND INTERVIEW WITH SOI NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN

1. On 06OCT16, Reporting Agent (RA) and Participating Agent (PA) NCIS (b)(6), (b)(7)(C) interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN, SEa, Air, Land (SEAL) instructor, Naval Special Warfare (NSW) Basic Training Center (BTC), Naval Amphibious Base (NAB), Coronado. As background, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was a safety swimmer instructor during the Combat Swimmer Orientation (CSO) evolution on 06MAY16, the day V/LOVELACE NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) temporary assigned duty the weeks subsequent to his first interview and this interview was scheduled to complete follow-up questions which were asked of all the instructors present at the CSO on 06MAY16.

2. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was one of the instructors in the water during the CSO evolution in order to have the correct student to instructor ratio. He explained the main concern for the safety swimmer instructors was to make sure there were enough instructors (instructor to student ratio) and an instructor's responsibilities included looking at the students in their eyes to look for "competency," to make sure their mask was full of water, and their head was above the water. He also stated instructors observed to determine if students were communicating with each other regarding their respective boat crew location. Upon request, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) drew a rough sketch of the Combat Training Tank (CTT) where the CSO was held on 06MAY16. In the sketch, he indicated where he was when V/LOVELACE was taken out of the pool. Enclosure (A) pertains.

3. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated an instructor would make a "Redline" or safety call when someone lost consciousness, was unresponsive, or was conscious and just "not clicking in to" the NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) believe that's what NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) saw with V/LOVELACE, he (LOVELACE) was still conscious but not responding. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) related that during this evolution students were "never" held or dunked underwater.

4. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not know of V/LOVELACE before this incident as it was only the first week of the training and there were approximately 180 students in the class at that time. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not notice V/LOVELACE in the pool that day adding, "I can't specifically recall his face as one of the guys I saw." Though NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) noticed other students having difficulties in the pool during this CSO evolution, he stated he could not remember specifics of who they were and what difficulties they experienced. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) could not recall any students having to leave the pool for medical reasons then being put back into the pool. He clarified that he did not see anyone get out of the pool for medical reasons

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EXHIBIT (105)

but did see students get pulled out or taken to the side for remediation and then put back in the pool. [redacted] added this was common during the evolution.

5. [redacted] said he did not notice any student whose face appeared discolored (blue, purple, red, or white). He added if he would have seen a student with a discolored face, he would have pulled them out of the pool. [redacted] stated he did not notice any instructors being more aggressive (physically or mentally) with any of the students. He also stated he did not notice any instructors following, pursuing, or engaging any particular student, to include splashing water in their face, bumping with their flotation device, or grabbing the student.

6. RA asked if he recalled how soon after the "Redline" was called that V/LOVELACE was pulled from the water. [redacted] stated he had V/LOVELACE at the side of the pool deck within seconds. He recalled when V/LOVELACE was pulled out of the pool, his feet were toward the pool deck and he was parallel with the dive towers. He recalled instructors [redacted] USN, along with [redacted] USN, were conducting cardiopulmonary resuscitation (CPR) on V/LOVELACE. [redacted] stated he remembered V/LOVELACE's face was purple. He added that "a minute or two" after V/LOVELACE was out of the pool, he coughed up sputum. [redacted] added he never noticed V/LOVELACE move or make any noise, but did recall V/LOVELACE's eyes were open and "dilated," though he could not recall if they were moving or fixated. He could not recall the color of V/LOVELACE's eyes. [redacted] stated only when he got to where V/LOVELACE was, the others (aforementioned instructors) had checked his vital signs and said V/LOVELACE had no pulse. [redacted] the instructors performed CPR until they got the Automatic Electronic Defibrillator (AED) and he recalled the AED advised to shock. [redacted] added after the shock, no pulse was detected and the instructors continued CPR. [redacted] recalled when V/LOVELACE was placed on the gurney to move to the ambulance, [redacted] was on the gurney doing chest compressions on V/LOVELACE all the way to the ambulance and from there, V/LOVELACE was taken to the hospital. [redacted] clarified he and a few other instructors returned to the pool area before the ambulance left, so he did not notice if the lights and sirens were on. [redacted] stated he heard patient turnover discussions going on between the ambulance paramedics and the instructors such as vitals, how long he had been unconscious, and how long CPR was conducted.

7. [redacted] stated some of the instructors briefly discussed whether or not to continue the CSO evolution, and they decided not to. He recalled the instructors and students returned to the NSW BTC where they were "locked down" for the rest of the night. [redacted] stated he had not talked with anyone from the media about V/LOVELACE and had not talked with anyone (friends or family) about him either.

ENCLOSURE(S)
(A) Sketch provided by [redacted]

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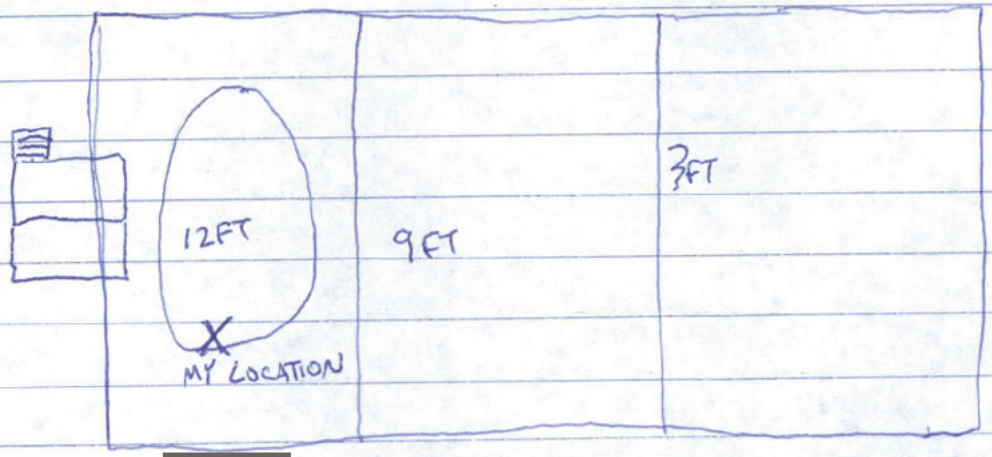
REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

NCIS (b)(6), (b)(7)(C)

NCIS (b)(6), (b)(7)(C)

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WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

0840
06OCT16



NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

ENCLOSURE (A)

STATE OF CALIFORNIA
CERTIFICATION OF VITAL RECORD

COUNTY OF SAN DIEGO

ERNEST J. DRONENBURG, JR.
ASSESSOR/RECORDER/COUNTY CLERK

CERTIFICATE OF DEATH

STATE OF CALIFORNIA
USE BLACK INK ONLY / NO CHANGES, WHITEOUTS OR ALTERATIONS
VS-11 (REV 3/06)

STATE FILE NUMBER: 0732

LOCAL REGISTRATION NUMBER: 3201637008137

DECEDENT'S PERSONAL DATA

1. NAME OF DECEDENT – FIRST (Given)	2. MIDDLE	3. LAST (Family)
JAMES	DEREK	LOVELACE

AKA. ALSO KNOWN AS – Include full AKA (FIRST, MIDDLE, LAST)

4. DATE OF BIRTH mm/dd/ccyy	5. AGE Yrs.	If UNDER ONE YEAR: Months / Days	If UNDER 24 HOURS: Hours / Minutes	6. SEX
05/27/1994	21			M

9. BIRTH STATE/FOREIGN COUNTRY	10. SOCIAL SECURITY NUMBER	11. EVER IN U.S. ARMED FORCES?	12. MARITAL STATUS/SRDP* (at Time of Death)	7. DATE OF DEATH mm/dd/ccyy	8. HOUR (24 hours)
NEBRASKA	[redacted]	[ ] YES [X] NO	NEVER MARRIED	05/06/2016	1436

13. EDUCATION – Highest Level/Degree (see worksheet on back)	14/15. WAS DECEDENT HISPANIC/LATINO/A/SPANISH? (If yes, see worksheet on back)	16. DECEDENT'S RACE – Up to 3 races may be listed (see worksheet on back)
HS GRADUATE	[ ] YES [X] NO	CAUCASIAN

17. USUAL OCCUPATION – Type of work for most of life. DO NOT USE RETIRED	18. KIND OF BUSINESS OR INDUSTRY (e.g., grocery store, road construction, employment agency, etc.)	19. YEARS IN OCCUPATION
SEAMAN	U.S. NAVY	0

USUAL RESIDENCE

20. DECEDENT'S RESIDENCE (Street and number, or location)
2446 TRIDENT WAY

21. CITY	22. COUNTY/PROVINCE	23. ZIP CODE	24. YEARS IN COUNTY	25. STATE/FOREIGN COUNTRY
SAN DIEGO	SAN DIEGO	92155	0	CA

INFORMANT

26. INFORMANT'S NAME, RELATIONSHIP	27. INFORMANT'S MAILING ADDRESS (Street and number or rural route number, city or town, state and zip)
BENJAMIN JACKSON, DECENDENT AFFAIRS	34800 BOB WILSON DRIVE, SAN DIEGO, CA 92134

SPOUSE/SRDP AND PARENT INFORMATION

28. NAME OF SURVIVING SPOUSE/SRDP*–FIRST	29. MIDDLE	30. LAST (BIRTH NAME)
-	-	-

31. NAME OF FATHER/PARENT–FIRST	32. MIDDLE	33. LAST	34. BIRTH STATE
JAMES	NELSON	LOVELACE	GERMANY

35. NAME OF MOTHER/PARENT–FIRST	36. MIDDLE	37. LAST (BIRTH NAME)	38. BIRTH STATE
HALLIE	KAY	PARIS	WV

FUNERAL DIRECTOR/LOCAL REGISTRAR

39. DISPOSITION DATE mm/dd/ccyy	40. PLACE OF FINAL DISPOSITION
05/12/2016	BARRANCAS NATIONAL CEMETERY 1 CEMETERY ROAD, PENSACOLA, FL 32508

41. TYPE OF DISPOSITION(S)	42. SIGNATURE OF EMBALMER	43. LICENSE NUMBER
TR/BU	▸ VICTOR SAVINO	EMB6658

44. NAME OF FUNERAL ESTABLISHMENT	45. LICENSE NUMBER	46. SIGNATURE OF LOCAL REGISTRAR	47. DATE mm/dd/ccyy
LEGACY FUNERAL & CREMATION CARE	FD 2009	▸ WILMA J WOOTEN, MD MPH	05/11/2016

PLACE OF DEATH

101. PLACE OF DEATH	102. IF HOSPITAL, SPECIFY ONE	103. IF OTHER THAN HOSPITAL, SPECIFY ONE
SHARP-CORONADO HOSPITAL	[ ] IP [X] ER/OP [ ] DOA	[ ] Hospice [ ] Nursing Home/LTC [ ] Decedent's Home [ ] Other

104. COUNTY	105. FACILITY ADDRESS OR LOCATION WHERE FOUND (Street and number, or location)	106. CITY
SAN DIEGO	250 PROSPECT PLACE	CORONADO

CAUSE OF DEATH

R99
R99

107. CAUSE OF DEATH
Enter the chain of events, — diseases, injuries, or complications — that directly caused death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE.

		Time Interval Between Onset and Death
IMMEDIATE CAUSE (Final disease or condition resulting in death)	(A) PENDING	(AT) -
Sequentially list conditions, if any, leading to cause on Line A. Enter UNDERLYING CAUSE (disease or injury that initiated the events resulting in death) LAST	(B)	(BT)
	(C)	(CT)
	(D)	(DT)

10F2

108. DEATH REPORTED TO CORONER?	109. BIOPSY PERFORMED?	110. AUTOPSY PERFORMED?	111. USED IN DETERMINING CAUSE?
[X] YES [ ] NO	[ ] YES [X] NO	[X] YES [ ] NO	[X] YES [ ] NO

REFERRAL NUMBER: 16-01113

112. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN 107
-

113. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 107 OR 112? (If yes, list type of operation and date.)
-

113A. IF FEMALE, PREGNANT IN LAST YEAR? [ ] YES [ ] NO [ ] UNK

PHYSICIAN'S CERTIFICATION

114. I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSES STATED.

Decedent Attended Since (A) mm/dd/ccyy	Decedent Last Seen Alive (B) mm/dd/ccyy

115. SIGNATURE AND TITLE OF CERTIFIER ▸

116. LICENSE NUMBER | 117. DATE mm/dd/ccyy

118. TYPE ATTENDING PHYSICIAN'S NAME, MAILING ADDRESS, ZIP CODE

CORONER'S USE ONLY

119. I CERTIFY THAT IN MY OPINION DEATH OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSES STATED.

MANNER OF DEATH: [ ] Natural [ ] Accident [ ] Homicide [ ] Suicide [X] Pending Investigation [ ] Could not be determined

120. INJURED AT WORK?	121. INJURY DATE mm/dd/ccyy	122. HOUR (24 Hours)
[ ] YES [ ] NO [ ] UNK		

123. PLACE OF INJURY (e.g., home, construction site, wooded area, etc.)

124. DESCRIBE HOW INJURY OCCURRED (Events which resulted in injury)

125. LOCATION OF INJURY (Street and number, or location, and city, and zip)

126. SIGNATURE OF CORONER / DEPUTY CORONER	127. DATE mm/dd/ccyy	128. TYPE NAME, TITLE OF CORONER / DEPUTY CORONER
▸ ABUBAKR MARZOUK MD	05/10/2016	ABUBAKR MARZOUK MD, DME

STATE REGISTRAR	A	B	C	D	E		FAX AUTH.#	CENSUS TRACT
						01000100324414B		

CASANDIE02

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October 14, 2016

Ernest J. Dronenburg, Jr.
Assessor/Recorder/County Clerk

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004305223

000094

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

EXHIBIT (104)

STATE OF CALIFORNIA

CERTIFICATION OF VITAL RECORD

COUNTY OF SAN DIEGO

ERNEST J. DRONENBURG, JR.
ASSESSOR/RECORDER/COUNTY CLERK

PHYSICIAN/CORONER'S AMENDMENT

NO ERASURES, WHITEOUTS, PHOTOCOPIES, OR ALTERATIONS

3052016095370
STATE FILE NUMBER

3201637008137
LOCAL REGISTRATION NUMBER

1.1

☐ BIRTH ☒ DEATH ☐ FETAL DEATH

TYPE OR PRINT CLEARLY IN BLACK INK ONLY – THIS AMENDMENT BECOMES AN ACTUAL PART OF THE OFFICIAL RECORD

PART I INFORMATION TO LOCATE RECORD

INFORMATION AS IT APPEARS ON ORIGINAL RECORD	1A. NAME—FIRST	1B. MIDDLE	1C. LAST	2. SEX
	JAMES	DEREK	LOVELACE	M
	3. DATE OF EVENT—MM/DD/CCYY	4. CITY OF EVENT	5. COUNTY OF EVENT	
	05/06/2016	CORONADO	SAN DIEGO	

PART II STATEMENT OF CORRECTIONS

LIST ONE ITEM PER LINE	6. CERTIFICATE ITEM NUMBER	7. INFORMATION AS IT APPEARS ON ORIGINAL RECORD	8. INFORMATION AS IT SHOULD APPEAR
	107A	PENDING	DROWNING
	107AT	-	RAPID
	112	-	CARDIOMEGALY; ABERRANT ORIGIN OF RIGHT CORONARY OSTIUM
	113	-	NO
	119	PENDING INVESTIGATION	HOMICIDE
	120		NO
	121		05/06/2016
	122		1338
	123		SWIMMING POOL
	124		DROWNING DURING COMBAT SWIMMER ORIENTATION TRAINING
	125		3632 TULAGI ROAD, CORONADO, CA 92118

20 F 2

1075

DECLARATION OF CERTIFYING PHYSICIAN OR CORONER

I HEREBY DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

9. SIGNATURE OF CERTIFYING PHYSICIAN OR CORONER	10. DATE SIGNED—MM/DD/CCYY	11. TYPED OR PRINTED NAME AND TITLE/DEGREE OF CERTIFIER
▶JONATHAN LUCAS	07/08/2016	MD, DME

12. ADDRESS (STREET and NUMBER)	13. CITY	14. STATE	15. ZIP CODE
5570 OVERLAND AVE, STE 101	SAN DIEGO	CA	92123

STATE/LOCAL REGISTRAR USE ONLY

16. OFFICE OF VITAL RECORDS OR LOCAL REGISTRAR	17. DATE ACCEPTED FOR REGISTRATION—MM/DD/CCYY
▶STATE REGISTRAR - OFFICE OF VITAL RECORDS	07/12/2016

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC HEALTH, OFFICE OF VITAL RECORDS

"020101003289200"

FORM VS 24Ae (REV. 1/08)

1.1

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October 14, 2016

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004305222

000095

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 12OCT16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

COMMAND/NSW BTC/46462

MADE AT/2GTG/TECHNICAL SERVICES DETACHMENT NORTHWEST/ NCIS (b)(6), (b)(7)(C)
INVESTIGATOR

REFERENCE(S)
(A) NCISRA SAN DIEGO, CA ROI(ACTION)/18MAY16
(B) NCISTSD NORTHWEST, WA ROI(ACITON)/22AUG16

NARRATIVE
1. In response to lead tasking contained in Reference (A) and since the submission of Reference (B), no additional video clarification support was provided. On 12OCT16, Case Agent NCIS (b)(6), (b)(7)(C) NCISRA San Diego, CA advised no additional support is anticipated. Lead tasking is complete.

DISTRIBUTION
INFO :2GTQ/SWFO/SWND

NCIS (b)(6), (b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM) 26SEP16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO/ NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)
(A) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 1-55)/31MAY16
(B) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 56-83)/30JUN16
(C) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 84-96)/01AUG16
(D) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 97-101)/18AUG16

EXHIBIT(S)
(102) IA: RESULTS OF VIDEO CLARIFICATION SUPPORT/08AUG16
(103) IA: RECEIPT OF RCFL-SAN DIEGO VIDEO FORENSICS EXAMINATION RESULTS/24AUG16
(104) IA: RECEIPT OF COMBAT TRAINING TANK GRAPHICS POWERPOINT/26SEP16

EXECUTIVE SUMMARY

1. On 06MAY16 at 1412, NCISRA San Diego, CA was notified via Commander Navy Region Southwest (CNRSW) dispatch that V/LOVELACE, a student training to become a SEa Air Land (SEAL) operator, was transported to Sharp Coronado Hospital, Coronado, CA, from building 164 (pool) aboard Naval Amphibious Base (NAB), Coronado, CA, as he was unconscious and it was uncertain if he was breathing. At approximately 1600, NCIS contacted Sharp Coronado Hospital and was informed V/LOVELACE was pronounced dead at 1436 at the hospital. NCIS (b)(6), (b)(7)(C) NCIS Forensic Consultant, was notified of V/LOVELACE's death. Members of the NCISRA San Diego Major Case Response Team (MCRT) responded to building 164 and Sharp Coronado Hospital to document the scene and V/LOVELACE's body. Interviews of Naval Special Warfare (NSW) Basic Training Center (BTC) instructors and students from V/LOVELACE's class were conducted and it was determined V/LOVELACE was observed to be struggling with keeping his head above the water, his face was red/purple, and an instructor was seen dunking him underwater during the training evolution. On 07MAY16, an autopsy of V/LOVELACE's body was conducted at the San Diego County Medical Examiner's office with NCIS representatives present. On 09MAY16, a documentation and search of V/LOVELACE's barracks room was completed and his personal cell phone was seized and placed into evidence.

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Video recorded footage of the pool training was captured and has undergone forensic analysis and review. Pertinent Basic Underwater Demolition/SEAL (BUD/S) training records and documents have been received and reviewed by NCIS. On 06JUL16, the San Diego County Medical Examiner's Office released its report and concluded the cause of V/LOVELACE's death was drowning and the manner was [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) identified as the instructor who was with V/LOVELACE while he was struggling in the pool and subsequently pulled him out. CNRSW Firefighters who responded to the 911 call on 06MAY16 were interviewed and all stated V/LOVELACE appeared to be deceased when they arrived. V/LOVELACE's civilian medical records were requested and reviewed. The Commanding Officer at NSW BTC and Senior Trial Counsel at Region Legal Service Office (RLSO) Southwest were briefed on the status of the investigation. All investigative actions are complete. This investigation is pending administrative or judicial action.

NARRATIVE

1. This investigation was initiated on 06MAY16 upon notification of the death of V/LOVELACE. This investigation pertains to violations of the following statutes: Uniform Code of Military Justice Article 119 (b)(1) Manslaughter and California Penal Code 192 (b) Involuntary Manslaughter.

2. In AUG16, NCIS Investigator NCIS (b)(6), (b)(7)(C) converted previously extracted video footage from the Combat Training Tank (CTT) from 06MAY16 into still images of requested timeframes. The still images were provided to Reporting Agent (RA) on a digital video disk (DVD). Exhibit (102) pertains.

3. From 20MAY16-25AUG16, the Regional Computer Forensics Laboratory, San Diego, CA, examined the Cisco CIVS-MSP-4RU physical server which was seized from NSW BTC on 18MAY16. The examination of the server revealed there were no indications the video system was altered or manipulated. Exhibit (103) pertains.

4. As documented in previous reporting, Participating Agent NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) and NCIS (b)(6), (b)(7)(C) photographically documented the CTT with a 3-D Faro scanner, an iStar panoramic camera, and an overhead drone camera. In AUG16, the images were documented in a PowerPoint presentation and provided to RA for review. Exhibit (104) pertains.

5. Coordination continues with the NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) to obtain any historical medical records for V/LOVELACE specifically pertaining to his NCIS (b)(6), (b)(7)(C) prescription. Efforts to obtain the finalized death certificate for V/LOVELACE from the County of San Diego Clerk's office are ongoing. As of 08SEP16, the death certificate had still not been updated to reflect the County of San Diego Medical Examiner's ruling of V/LOVELACE's cause and manner of death as Drowning and Homicide, respectively. [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) ding Officer, NSW BTC, and CDR NCIS (b)(6), (b)(7)(C), USN, Senior Trial Counsel, RLSO Southwest, were briefed on the status of this investigation. Active investigation is complete. Investigation is pending administrative or judicial action.

PARTICIPANTS

NCIS (b)(6), (b)(7)(C) ESTIGATOR, TECHNICAL SERVICES DETACHMENT NORTHWEST
, SUPERVISORY SPECIAL AGENT, OFFICE OF TECHNICAL SERVICES

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL:06MAY16-SWND-0303-7HNA 26SEP16

HEADQUARTERS

NCIS (b)(6), (b)(7)(C) SPECIAL AGENT, SEFO
PRESENTATIVE, PACIFIC CYBER OPERATIONS

ACTION
023B: Active investigation is complete. Pending administrative or judicial action.

DISTRIBUTION
NCISHQ:23B1
ACTION:023B
INFO :NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C)
(H)/SWND/SWFO

FOR OFFICIAL USE ONLY
PAGE 3 LAST NCIS (b)(6), (b)(7)(C)

NCIS (b)(6), (b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 08AUG16

CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF VIDEO CLARIFICATION SUPPORT

1. On 22JUL16, Reporting Agent (RA) received a request from Special Agent (SA) NCIS (b)(6), (b)(7)(C) NCISRA San Diego, CA to provide additional clarification support of digital surveillance video. The video was previously obtained from the virtual server at the Naval Special Warfare Command, Naval Amphibious Base, Coronado, CA. SA NCIS (b)(6), (b)(7)(C) requested RA to obtain still images when possible contact was made between NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) and V/LOVELACE.

2. On 05AUG16, RA made a copy of the two converted video files "Pool 1335-1415 CTT Dive-Board" and "Pool 1335-1415 CTT-West". RA then made three folders titled "Incident 6464 CTT Dive Board"; "Incident 6507 CTT Dive Board" and "Incident 6507 CTT West". These folders correlated with the exported video incidents starting with the frame numbers 6464 and 6507.

3. On 05AUG16 and 08AUG16, RA conducted lossless screen captures of the video and exported multiple digital still images in .BMP format for examination and exported a video file representing the total frames of still images, the video file was exported in the .MP4 format. RA processed the images in an effort to clarify the contents. Due to the compression of the original videos and the distance of the subjects to the camera the results were limited; however, several clarified digital images were produced and saved in the .TIF and .JPG formats (Enclosure (A) Pertains).

4. Enclosure (A) was sent to NCISRA San Diego, CA by FEDEX.

ENCLOSURE(S)
(A) One (1) DVD containing clarified images

REPORTED BY: NCIS (b)(6), (b)(7)(C) Investigator
OFFICE: TECHNICAL SERVICES DETACHMENT NORTHWEST

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EXHIBIT (102)

Page 101 redacted for the following reason:
- - - - - - - - - - - - - - - - - - - -
Enclosure (A) to Exhibit (102): Referred to Naval Special Warfare Command

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 24AUG16

CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RECEIPT OF RCFL-SAN DIEGO VIDEO FORENSICS EXAMINATION RESULTS

BACKGROUND
1. On 06MAY16, upon notification of V/LOVELACE's death, NCIS initiated an investigation to determine the circumstances surrounding the death. On 16MAY16, Special Agent (SA) NCIS (b)(6), (b)(7)(C) requested representatives from NCIS/Regional Computer Forensics Laboratory (RCFL) - San Diego to provide assistance in extracting and preserving video footage recorded by cameras at the Combat Training Tank (CTT) pool, where the Basic Underwater Demolition/SEAL (BUD/S) training is conducted. During the on-site visit, NCIS seized a Cisco CIVS-MSP-4RU physical server. On 18MAY16, NCIS seized two hard drives containing the virtual server and the captured video footage.

REQUEST
1. On 20MAY16, SA NCIS (b)(6), (b)(7)(C) requested RCFL to examine the virtual server and captured video footage for user activity and for reasons why there are breaks in the video footage around the time of the CTT pool incident.

AUTHORIZATION
1. On 20MAY16, SA NCIS (b)(6), (b)(7)(C) provided documentation of legal authority affirming the items submitted for examination were government property owned by the NAVSPECWARCENT-N6, U.S. Navy and that the property is subject to search.

EVIDENCE
The following original evidence was examined:

ECD: 0290-16, Item A
Western Digital 1.0 Terabyte (TB) hard drive
Serial Number (SN): WCAV51461347

ECD: 0290-16, Item B
Seagate 2.0 TB hard drive
SN: Z4Z3XN6Z

EXAMINATION SUMMARY
1. All items submitted were successfully imaged and examined by RCFL-San Diego in accordance with SA NCIS (b)(6), (b)(7)(C) request.

EXAMINATION DETAILS

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EXHIBIT (103)

1. On 20MAY16, original evidence obtained by Reporting Investigative Computer Specialist (ICS) was submitted to the RCFL-San Diego for analysis. Enclosure (A) pertains.

2. On 25AUG16, Reporting ICS retrieved the original evidence and examination report from RCFL-San Diego following notification of exam completion. Enclosures (B) and (C) pertain.

EXAMINATION ARCHIVES

1. Archive media for this examination consists of a hard drive identified by Barcode Label 162213. The Archive Derivative Evidence will be housed and maintained in the RCFL-San Diego Evidence Controlled Facility.

CONCLUSION

1. Examination request is complete. Additional examinations can be conducted upon further request. The physical server (Cisco CIVS-MSP-4RU) that was seized on 16MAY16 was removed from commission prior to 06MAY16 and converted to a virtual server. The data from the physical server (Cisco CIVS-MSP-4RU) was reviewed for any video data or logs surrounding the date/time of the CTT pool incident. None was found. The server was seized as a means to preserve any data that might be necessary for RCFL-San Diego to conduct the examination. The examination is complete and the data from the physical server is no longer required.

GLOSSARY OF TERMS

IMAGE: An accurate and complete representation of the digital data that may be authenticated through the use of industry standard hash algorithms.

ENCLOSURE(S)

(A) RCFL Request for Examination/20May16
(B) Digital Evidence Laboratory Report of Examination, 16-0090-A-01/11JUL16
(C) Digital Evidence Laboratory Report of Examination, 16-0090-B-01/25AUG16

REPORTED BY: NCIS (b)(6), (b)(7)(C) Representative
OFFICE: PACIFIC CYBER OPERATIONS

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San Diego RCFL Regional Computer Forensics Laboratory

FORENSIC SERVICE REQUEST

The customer agrees that by submitting this request, the laboratory will select the technical procedures needed to complete the request.

AGENCY INFORMATION

Submitting Agency: NCIS	**Squad / Unit** CRIM	**Request Date:** May 20, 2016	**RCFL # (RCFL use only)** 16-0090-B
Agency Case #: 06MAY16-SWND-030-7HNA	**Type of crime (use plain English)** Death		**Request Type (RCFL use only)** 343A

Task Force : N/A ☒ CATCH ☐ ECRGTF ☐ ICAC ☐ JTTF ☐ NTF ☐ SAFE ☐ OTHER ☐:

DOD Nexus? Yes ☒ No ☐ **Comments:**

Submitting Person (last, first): NCIS (b)(6), (b)(7)(C)	**Is Reviewer CAIR Trained?** Yes ☐ No ☒
Case Agent (last, first): ☒ Sam NCIS (b)(6), (b)(7)(C)	**Office Phone** NCIS (b)(6), (b)(7)(C)
Case Agent Email: NCIS (b)(6), (b)(7)(C)	**Cell/Pager** NCIS (b)(6), (b)(7)(C)
Alternate Contact / Federal CDT Reviewer NCIS (b)(6), (b)(7)(C)	**Phone** NCIS (b)(6), (b)(7)(C)

RCFL INFORMATION

Request: ☐ Initial ☒ Follow-up to Previous RCFL Request

Is this request originating from: ☒ Original agency investigation ☐ Prosecutor follow-up request

Is new evidence being submitted today With this request? ☐ Yes ☒ No

Special Handling: (check all that apply) *
☐ BIO-HAZARD ☐ Classified Material
☐ Special Master ☐ Drug Related
☐ SDDA Grant: Choose an item.
Asset Forfeiture Potential: Yes ☐ No ☒ Unknown ☐

Operating Systems (if known):
☐ Windows ☐ Cellular
☐ Apple ☐ Audio-Video
☐ Unix-Linux ☐ Camera
☐ PDA ☒ Other *

Has anyone viewed/examined/accessed this evidence prior to submission? Yes * ☐ No ☒

List any RCFL member consulted: NCIS (b)(6), (b)(7)(C)

Type of Request:
☒ Lab
☐ Field / On-site

EVIDENCE INFO

Seizure Date: 5/16/2016	**Number and type of items (i.e. 2 laptops, 1 cell phone)** 2 Hard Drives
Seizure Location: NAVSPECWARCENT -N6 2446 Trident Way, San Diego	

Type of Search Authority:
☐ Search Warrant ☐ Verbal Consent ☐ 4th Waiver
☐ Parole ☐ Written Consent ☐ Discovery
☐ Grand Jury/Subpoena ☒ Gov't Property ☐ Other *

Provide a copy of the Search Warrant, Affidavit, 4th Waiver, Written Consent, Consent Acknowledgement Form, or other Documentation.

COURT/ SUSPECT

Jurisdiction: ☐ State ☐ Federal ☒ Military ☐ Other *

Next Court Date:	**Type of Proceeding:**
Prosecutor (last, first):	**Phone:**
Suspect Name (last, first): Lovelace, JAMES DEREK	**In Custody?** Yes ☐ No ☒

SERVICE REQUESTED (Describe in detail services needed. Identify any investigative and/or court deadlines. Explain all checked items with " * " from above).

PROCESS THIS CASE FOR CAIR REVIEW: Yes ☐ No ☒ Pre-CAIR ☐ Post-CAIR ☐

Death incident requires on-site analysis of video server for system and user activity during the time of the event; Please contact Case agent for details.

2 Hard Drives submitted from previous search 16-0090-A for this case.

Number of copies of Results media requested (if applicable): 1

RCFL USE ONLY

PROCESS	Name	Date	PROCESS	Name	Date
Received By	NCIS (b)(6), (b)(7)(C)	5/20/16	Technical Review	NCIS (b)(6), (b)(7)(C)	8/24/16
Initial Entry		5/20/16	Admin Approval		8/24/16
Reviewed By		5-23-16	Notify for Pick up		N/A
Assigned By		5/24/16	Reports Distributed		8/25/16
Priority		4 5	Evidence Returned		8/25/16
Lead Examiner		8/23/16	Closed/Archived		8/25/2016
Reassigned By					
Reassigned To					

NCIS (b)(6), (b)(7)(C) 8/24/16

ENCLOSURE (A)

San Diego Regional
Computer Forensics Laboratory

10385 Vista Sorrento Pkwy.
San Diego, CA 92121

RCFL

REPORT OF EXAMINATION

To: Naval Criminal Investigative Service (NCIS)
Special Agent NCIS (b)(6), (b)(7)(C)

Date: July 11, 2016
Case ID: N/A
Request No.: 16-0090-A-01

Request Date: Service Request dated May 16, 2016

Ref. No.: 06MAY16-SWND-030-7HNA

Title: DEATH

Date item(s) received: N/A

Item(s) Submitted:

No items were submitted for this request.

Request:

On May 16, 2016, Special Agent (SA) NCIS (b)(6), (b)(7)(C) requested onsite support to evaluate computer systems that captured video in the area of a death scene.

Summary of Results:

On May 16, 2016 at approximately 0915, Computer Forensics Examiner (CFE) NCIS (b)(6), (b)(7)(C) and CFE NCIS (b)(6), (b)(7)(C) responded to Naval Amphibious Base (NAB), Coronado CA. During the onsite visit, a Cisco CIVS-MSP-4RU server was seized. No data was directly acquired by RCFL personnel; onsite assistance was limited to an observation role. Details are provided in this report.

Details of Examination:

No computer forensics procedures (imaging, examination, data extraction or interpretation) were accomplished in association to the on-site assistance.

The objective of the search conducted on May 16, 2016 was to obtain video footage recorded by surveillance cameras located at the pool where training and the death occurred. The cameras recorded video directly to the server via network connections.

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Since May 4, 2013

Approximately six weeks prior to the onsite visit, The Naval Special Warfare Center (NAVSPECWARCEN) N6, converted the video server to a virtual server. During the onsite visit, the physical server was reviewed for any video data that may exist. Although no video data was identified, the server was seized by NCIS agents for preservation of configuration or deleted data that may be needed. Assistance was provided to ensure both the virtual server and the associated video data was seized. The data was provided by NAVWARCEN-N6 personnel directly to NCIS agents.

Derivative Evidence/Copies:

There were no evidence items generated during the onsite visit.

Disposition of Items:

There is no original evidence, archived items, or result deriviative evidence associated with this examination.

Future Requests

NCIS (b)(6), (b)(7)(C) and NCIS (b)(6), (b)(7)(C) provided onsite support according to the scope of the case agent's requests. Examination of the evidence seized by NCIS agents under the execution of this search is currently outstanding under a separate RCFL Request #16-0090-B-01. The data is being reviewed by a certified Forensic Video analyst and the results of that examination is forthcoming in a separate report. Notes for discovery purposes are available upon legal request.

NCIS (b)(6), (b)(7)(C)

NCIS (b)(6), (b)(7)(C) employed as a Senior IT Engineer for the San Diego County Sheriff's Departement. He is detailed as a Computer Forensic Specialist (CFE) to the Regional Computer Forensics Laboratory (RCFL). He has received specialized training and certifications in computer forensics issues from various government and private entites, including the Federal Bureau of Investigation (FBI).

Examiner: NCIS (b)(6), (b)(7)(C)

San Diego Regional Computer Forensics Laboratory
Computer Analysis Response Team
Forensic Audio Video Image Analysis Unit

NCIS (b)(6), (b)(7)(C)

NCIS (b)(6), (b)(7)(C)
Investigative Computer Specialist (ICS) with the U.S. Naval Criminal Investigative Service (NCIS), San Diego Field Office, assigned to the Pacific Cyber Division and detailed as a computer forensic examiner with the Regional Computer Forensics Laboratory (RCFL), San Diego, CA.

Examiner: NCIS (b)(6), (b)(7)(C)

San Diego Regional Computer Forensics Laboratory
Computer Analysis Response Team

NCIS (b)(6), (b)(7)(C)

San Diego Regional
Computer Forensics Laboratory

10385 Vista Sorrento Pkwy.
San Diego, CA 92121

REPORT OF EXAMINATION

To: Naval Criminal Investigative Service
Special Agent NCIS (b)(6), (b)(7)(C)

Date: August 25, 2016
Case ID: NA
Request No.: 16-0090-B-01

Reference: Service Request dated May 20, 2016

Ref. No.: 06MAY16-SWND-030-7HNA

Title: DEATH INVESTIGATION

Date item(s) received: May 20, 2016

Item(s) Submitted:

162113	Western Digital 1TB hard drive Serial Number WCAV51461347 Agency item A
162116	Seagate 2TB Hard drive Serial Number Z4Z3XN6Z Agency item B

Request:

On May 20, 2016 Forensic Examiner Mark Luque, on behalf of Special Agent NCIS (b)(6), (b)(7)(C) of the Naval Criminal Investigative Service submitted two (2) hard drives to the San Diego Regional Computer Forensics Laboratory (RCFL) for forensic examination as part of an ongoing death investigation. Special Agent NCIS (b)(6), (b)(7)(C) specifically requested the following;

1. Analyze the video server for system and user activity during the time of event. Specifically, attempt to determine why there are breaks in the video around the time of the event.

Summary of Results:

The following is a summary of the examination. Details of the examination are found in the body of the report.

1. I reviewed the video data. The system operates on motion detection. Motion

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ENCLOSURE (2) NCIS (b)(6), (b)(7)(C)

NCIS (b)(6), (b)(7)(C)

caused in the pool by swimmers during the incident was too little for the system to activate. There is no indication the video system was altered or manipulated.

Details of Examination:

Each examined item was individually cataloged and photographed. As part of the cataloging procedures, each examined item was assigned a unique RCFL Bar Code Number (BCN). The RCFL BCN is a number assigned to each computer or piece of media submitted to the RCFL for examination. This number is unique to that item. The items are identified in this narrative by their respective BCN.

For each *original* media item or data storage device (Original Digital Evidence or *ODE*) examined, a duplicate physical *image* (a digitally accurate representation of the data contained on the original media) was created and saved to forensically prepared media.

This media, also referred to as *Derivative Evidence* (DE), was also assigned a unique RCFL BCN. The DE is created without altering any data on the original media, using special software, equipment and procedures.

The examination of data involved the following examination processes.

- Physical Examination
- Hardware & System Information
- Write Protecting Media
- Wiping Media
- Imaging
- Data Extraction and Interpretation
- Examination of Digital Media

The evidence submitted in this request consisted of two hard drives. Each hard drive contained Virtual Machine (VM) images. FE NCIS (b)(6), (b)(7)(C) imaged the two drives and consolidated the evidence onto a single staging media drive.

I examined the VM of the digital video recorder, which is an OnSSI Management Client. I reviewed the configuration settings for this system. It is configured to record using motion detection on all cameras pertaining to the swimming pool area.

Video data for the Area of Interest (AOI) is located within the file structure *Video Data\CIT-Dive-Board\Media* in data files labeled *block*.blk*. "*" is a numerical identifier beginning at 0 (block0.blk) and ending with 80 (block80.blk) All files between Block0.blk and block80.blk are present. None have issues with the modified date time. All modified date times appear to correlate with the creation date times. The entire block of data files appear to be created within a 1 hour time frame.

NCIS (b)(6), (b)(7)(C)

NCIS (b)(6), (b)(7)(C)

Based on camera name and date/time of created and modified times I looked for the *.blk* file(s) that corresponded to the time in question. Located the following file;
VideoData\Video Data\CIT-Diving-Board – 2016-05-06T14:07:55-07:00\Media\block50.blk
(modified 5/6/2016 1:45PM created 5/6/2016 1:44 PM)

Within the above data, I located the sequence of events and reviewed the video of each camera around the pool area. There are two cameras that cover the area of interest. Below is a breakdown of the sequences around each camera;

CIT-Dive-Board
1334:10.133 through 1334:21.481 Large number of swimmers in pool clustered in a central area

28 second gap

1334:39.121 through 1341:21.435 Large number of swimmers and a group doing maneuvers around pool

5 second gap

1341:26.670 through 1341:35.947 Large number of swimmers in pool

2 minute and 40 second gap

1344:15.500 through 1344:26.854 Large number of swimmers in pool two individuals appear walking

13 second gap

1344:39.305 through 1345:04.119 Large number of swimmers in pool two individuals appear walking

7 second gap

1345:12.425 through 1346:48.199 Individual seen picking up emergency bags swimmers leave pool

6 second gap

1346:52.701 through 1348:10.286 Large group walks out of view

CIT-West
1322:18.163 through 1343:11.694

3 second gap

000110

NCIS (b)(6), (b)(7)(C)

NCIS (b)(6), (b)(7)(C)

1343:14.828 through 1344:59.182

10 second gap

1345:09.555 through 1345:56.009

2 second gap

1345:58.113 through 1346:36.313

7 second gap

1346:43.612 through 1348:19.679

I reviewed the CIT-Dive-Board video using several playback methods. I was able to locate the instructor who was splashing water on what is presumed to be the victim, however the video jumps forward and the victim is no longer seen.

It is apparent that missing video is the result of a lack of visual movement within the video screen. This missing video is between 1345:04.119 and 1345:12.425. It lasts for approximately 7 seconds. When the video jumps forward, it begins playback at 1345:12.425. All of this video is in one contiguous data file (*block50.blk)*.

What appears to start the video recording is the appearance of what is presumed to be an instructor, running from behind the diving board. (the individual retrieves two bags lying beside the pool next to a rescue stretcher orange in color)

I reviewed the video data for CIT-West. Here the video also jumps but the time is slightly different due to the angles and movement The break in this video in the AOI occurs at 1344:59.182 and restarts at 1345:09.555, a 10 second break, but there also is an overlap in time with the CIT-Dive-Board video The CIT-West video restarts at 1345:09.555 while the CIT-Dive-Board video does not start back up until 1345:12.425. This leave the total gap in video to only 4 seconds.

Based on the information presented above it does not appear the video data was tampered with after the event. The explanation for the missing video sequence is the result of a video system configured to capture data on motion.

Derivative Evidence/Copies:

The following item was generated during the examination process:

Archive 162213 Hard drive containing evidence files and examination files

Disposition:

The original evidence submitted for this examination was returned to the Evidence Control Facility (ECF) pending return to the submitting agency. The Archive Derivative Evidence (DE) will be housed and maintained in the RCFL ECF.

Future Requests

I examined the submitted media according to the scope and subject of the case agent's investigation and request. No further examination on this media will be conducted by the RCFL unless further requests to do so are received. Notes for discovery purposes are available upon legal request.

Forensic Examiner(s) participating in this examination:

NCIS (b)(6), (b)(7)(C)
Investigative Computer Specialist (ICS) with the U.S. Naval Criminal Investigative Service, San Diego Field Office, assigned to the Pacific Cyber Division and detailed as a computer forensic examiner with the Regional Computer Forensics Laboratory, San Diego, CA

Examiner: NCIS (b)(6), (b)(7)(C)

San Diego Regional Computer Forensics Laboratory
Computer Analysis Response Team
NCIS (b)(6), (b)(7)(C)

NCIS (b)(6), (b)(7)(C)
I am employed as a Computer Forensic Examiner for the Naval Criminal Investigative Service, Cyber Operations, Field Office Pacific. I have received specialized training in computer, audio and video forensics issues from various government and private entities. I am certified as a Computer, Audio, and Video Forensics Examiner, by the Federal Bureau of Investigation (FBI).

Examiner: NCIS (b)(6), (b)(7)(C)

San Diego Regional Computer Forensics Laboratory
Computer Analysis Response Team
Forensic Audio Video Image Analysis Unit

NCIS (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 26SEP16

CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RECEIPT OF COMBAT TRAINING TANK GRAPHICS POWERPOINT

1. On 22AUG16, Participating Agent (PA) NCIS (b)(6), (b)(7)(C) completed the graphics compilation from Faro Scanner, iStar Panoramic Camera, and Overhead Drone Photos of the Combat Training Tank (CTT) completed on 20JUL16. The images were put together into a PowerPoint presentation. PA NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) assisted Reporting Agent with extracting the PowerPoint and putting it onto a DVD for review. Enclosure (A) pertains.

ENCLOSURE(S)
(A) DVD Containing CTT PowerPoint/22AUG16

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

NCIS (b)(6), (b)(7)(C)

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EXHIBIT (104)

Page 115 redacted for the following reason:
- - - - - - - - - - - - - - - - - - - -
Enclosure (A) to Exhibit (104): Referred to Naval Special Warfare Command

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 24AUG16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/CBPW/PACIFIC CYBER OPERATIONS NCIS (b)(6), (b)(7)(C) REPRESENTATIVE

REFERENCE(S)
(A) NCISRA SAN DIEGO CA (OPEN)/16MAY16
(B) NCIS CYBER OPERATIONS SAN DIEGO CA ROI (ACTION)/20MAY16
(C) NCIS CYBER OPERATIONS SAN DIEGO CA ROI (ACTION)/17JUN16
(D) NCIS CYBER OPERATIONS SAN DIEGO CA ROI (ACTION)/19JUL16
(E) NCIS CYBER OPERATIONS SAN DIEGO CA ROI (ACTION)/16AUG16

EXHIBIT(S)
(1) IA: RECEIPT OF RCFL-SAN DIEGO VIDEO FORENSICS EXAMINATION RESULTS/24AUG16

NARRATIVE
1. Cyber support to the lead tasking set forth in Reference (A) has been completed. Final reports from a certified video specialist from the San Diego Regional Computer Forensic Laboratory has been received. Exhibit (1) pertains. References (B) through (E) are previous status reports.

PARTICIPANTS
NCIS (b)(6), (b)(7)(C) REPRESENTATIVE, NCIS CYBER OPERATIONS SAN DIEGO CA

DISTRIBUTION
NCISHQ:23B1/0022 (ATTN: SA NCIS (b)(6), (b)(7)(C) CBFO
INFO :002G/002P/CBPW/SWFO/SWND (ATTN: NCIS (b)(6), (b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 22AUG16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/2GTG/TECHNICAL SERVICES DETACHMENT NORTHWEST NCIS (b)(6), (b)(7)(C)
INVESTIGATOR

REFERENCE(S)
(A) NCISRA SAN DIEGO, CA ROI (ACTION)/18MAY16
(B) NCISTSD NORTHWEST, WA ROI (ACTION)/06JUL16

EXHIBIT(S)
(1) IA: RESULTS OF VIDEO CLARIFICATION SUPPORT

NARRATIVE
1. In response to lead tasking contained in Reference (A) and since the submission of Reference (B), video clarification support was provided (Exhibit (1) Pertains). The support consisted of capturing and clarifying images from the digital video files provided in Reference (A). Lead tasking remains open for possible additional support in the near future.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM) 18AUG16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)
(A) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 1-55)/31MAY16
(B) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 56-83)/30JUN16
(C) NCISRA SAN DIEGO, CA ROI (INTERIM)/(CONTAINS EXHIBITS 84-96)/01AUG16

EXHIBIT(S)
(97) IA: RESULTS OF INTERVIEW OF CAPTAIN NCIS (b)(6), (b)(7)(C) CIV/04AUG16
(98) IA: RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C) CIV/03AUG16
(99) IA: RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C) CIV/06AUG16
(100) IA: RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C) CIV/09AUG16
(101) IA: RECEIPT AND REVIEW OF V/LOVELACE'S CIVILIAN MEDICAL RECORDS/18AUG16

EXECUTIVE SUMMARY

1. On 06MAY16 at 1412, NCISRA San Diego, CA was notified via Commander Navy Region Southwest (CNRSW) dispatch that V/LOVELACE, a student training to become a SEa Air Land (SEAL) operator, was transported to Sharp Coronado Hospital, Coronado, CA, from building 164 (pool) aboard Naval Amphibious Base (NAB), Coronado, CA, as he was unconscious and it was uncertain if he was breathing. At approximately 1600, NCIS contacted Sharp Coronado Hospital and was informed V/LOVELACE was pronounced dead at 1436 at the hospital. NCIS (b)(6), (b)(7)(C) NCIS Forensic Consultant, was notified of V/LOVELACE's death. Members of the NCISRA San Diego Major Case Response Team (MCRT) responded to building 164 and Sharp Coronado Hospital to document the scene and V/LOVELACE's body. Interviews of Naval Special Warfare (NSW) Basic Training Center (BTC) instructors and students from V/LOVELACE's class were conducted and it was determined V/LOVELACE was observed to be struggling with keeping his head above the water, his face was red/purple, and an instructor was seen dunking him underwater during the training evolution. On 07MAY16, an autopsy of V/LOVELACE's body was conducted at the San Diego County Medical Examiner's office with NCIS representatives present. On 09MAY16, a documentation and search of V/LOVELACE's barracks room was completed and his personal cell phone was seized and placed into evidence.

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Video recorded footage of the pool training was captured and has undergone forensic analysis and review. Pertinent Basic Underwater Demolition/SEAL (BUD/S) training records and documents have been received and reviewed by NCIS. On 06JUL16, the San Diego County Medical Examiner's Office released its report and concluded the cause of V/LOVELACE's death was drowning and the manner was homicide. [redacted] was identified as the instructor who was with V/LOVELACE while he was struggling in the pool and subsequently pulled him out. CNRSW Firefighters who responded to the 911 call on 06MAY16 were interviewed and all stated V/LOVELACE appeared to be deceased when they arrived. V/LOVELACE's civilian medical records were requested and reviewed. The Commanding Officer at NSW BTC and Senior Trial Counsel at Region Legal Service Office (RLSO) Southwest were briefed on the status of the investigation.

NARRATIVE

1. This investigation was initiated on 06MAY16 upon notification of the death of V/LOVELACE. This investigation pertains to violations of the following statutes: Uniform Code of Military Justice (UCMJ) Article 119 (b)(1) Manslaughter and California Penal Code 192 (b) Involuntary Manslaughter.

2. On 02AUG16, four federal firefighters from CNRSW were interviewed regarding their recollections from their response to the 911 call for a possible drowning and cardiopulmonary resuscitation (CPR) in progress. All stated their initial impression was that V/LOVELACE was already deceased when they arrived on the scene. Exhibits (97)-(100) pertain.

3. On 17AUG16, [redacted] provided NCIS with V/LOVELACE's civilian medical records from the Advanced Family Medicine Clinic, Crestview, FL. The provided records contained information pertaining to V/LOVELACE's prescription history dating back to 2011. Exhibit (101) pertains.

4. On 18AUG16, the County Of San Diego Clerk's office informed NCIS that V/LOVELACE's death certificate has not been updated from "Pending" to reflect the County of San Diego Office of the Medical Examiner's designation of V/LOVELACE's cause and manner of death as Drowning and Homicide, respectively. [redacted] Commanding Officer, NSW, BTC, and [redacted] Senior Trial Counsel, RLSO Southwest, were briefed on the status of this investigation. Investigation continues.

PARTICIPANTS

[redacted] SPECIAL AGENT, RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 04AUG16

CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF INTERVIEW OF CAPTAIN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) CIV

1. On 02Aug16, at approximately 1300, Reporting Agent (RA) and Participating Agent (PA) NCIS (b)(6), (b)(7)(C) interviewed Captain NCIS (b)(6), (b)(7)(C) CIV, Firefighter, Commander Navy Region Southwest (CNRSW), regarding his knowledge of the death of V/LOVELACE. As background, NCIS (b)(6), (b)(7)(C) one of the four firefighters to respond to the 911 call regarding V/LOVELACE on 06May16.

NCIS (b)(6), (b)(7)(C) stated on 06May16 he responded to a possible drowning and Cardiopulmonary Resuscitation (CPR) in progress at building 164 aboard Naval Amphibious Base (NAB), Coronado, CA. NCIS (b)(6), (b)(7)(C) recalled responding to the call with NCIS (b)(6), (b)(7)(C) CIV, Firefighter, CNRSW; NCIS (b)(6), (b)(7)(C) CIV, Firefighter, CNRSW; and NCIS (b)(6), (b)(7)(C) CIV, Firefighter, CNRSW. NCIS (b)(6), (b)(7)(C) stayed he heard on the dispatch radio that Advance Life Support (ALS) was coming. Of note, the CNRSW firefighters are Basic Life Support (BLS) and due to V/LOVELACE's condition, ALS was needed. Upon arrival at the scene, NCIS (b)(6), (b)(7)(C) explained that V/LOVELACE was laying supine on the deck by the pool and Navy personnel were providing CPR to him. NCIS (b)(6), (b)(7)(C) stated that based on his experience, when he first saw V/LOVELACE he thought V/LOVELACE was "not going to make it" and was already dead. NCIS (b)(6), (b)(7)(C) stated he heard one of his firefighters ask, "How long has CPR been in progress before we got here?" One of the Navy personnel (NFI) answered, "Three to five minutes or two to three cycles of CPR." NCIS (b)(6), (b)(7)(C) recalled NCIS (b)(6), (b)(7)(C) instructed him to give CPR and for NCIS (b)(6), (b)(7)(C) to get the defibrillator while NCIS (b)(6), (b)(7)(C) working the oxygen mask. NCIS (b)(6), (b)(7)(C) suggested he provided chest compressions and in doing so, V/LOVELACE's body moved. NCIS (b)(6), (b)(7)(C) did not recall seeing V/LOVELACE's eyes being open or closed, but recalls the color of V/LOVELACE's skin being pale and his lips were blue. NCIS (b)(6), (b)(7)(C) stated that V/LOVELACE did not have a pulse, he was not breathing, and he was unresponsive.

NCIS (b)(6), (b)(7)(C) explained that the firefighters removed V/LOVELACE's clothes to apply the Automated External Defibrillator (AED). NCIS (b)(6), (b)(7)(C) articulated the first AED analysis indicated a "non-shockable rhythm," which means the patient does not have a pulse or signs of circulation, therefore a shock was not administered. NCIS (b)(6), (b)(7)(C) stated that when he was performing CPR, the AED recommended doing the chest compressions harder and after the analysis, another person took over the chest compressions. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) used a pocket mask ventilator and then provided a nasopharyngeal airway (NPA) to one of the Navy personnel to insert into V/LOVELACE's nose. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C) stayed V/LOVELACE expirated water and they turned V/LOVELACE on his side to further expel the water. According to NCIS (b)(6), (b)(7)(C) his experience, it

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EXHIBIT (97)

is normal for drowning victims to expirate water during CPR. NCIS (b)(6), (b)(7)(C) added that on the second AED analyses a shockable rhythm was identified and V/LOVELACE was shocked though he was not revitalized. NCIS (b)(6), (b)(7)(C) recalled there were two more AED analyses and neither resulted in a shockable rhythm. NCIS (b)(6), (b)(7)(C) disclosed that after the third analysis, he knew they had to get V/LOVELACE to a hospital and told NCIS (b)(6), (b)(7)(C) to grab the gurney.

4. NCIS (b)(6), (b)(7)(C) stated it was at this time that two ALS medics from Coronado City Fire Department, Coronado, CA, arrived and provided assistance to V/LOVELACE. NCIS (b)(6), (b)(7)(C) explained V/LOVELACE was placed on a gurney and transported to the ambulance. According to NCIS (b)(6), (b)(7)(C) the BLS unit became secondary to the ALS team once they arrived and the ALS team took over primary care of V/LOVELACE. NCIS (b)(6), (b)(7)(C) stated "everyone" got into the back of the ambulance. NCIS (b)(6), (b)(7)(C) clarified that Navy personnel were continuously doing chest compressions on V/LOVELACE. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3) 10 USC § 130b) NCIS (b)(6), (b)(7)(C) did not recall exactly how many Navy personnel were in the back of the ambulance, but stated there were at least three. NCIS (b)(6), (b)(7)(C) recalled hearing from one of the Navy personnel that the medics were not taking V/LOVELACE to Navy Medical Center San Diego but rather Sharp Coronado Hospital because V/LOVELACE was in full cardiac arrest and Sharp Coronado Hospital was closer. NCIS (b)(6), (b)(7)(C), NCIS (b)(6), (b)(7)(C) drove the ambulance with lights and sirens to the hospital. NCIS (b)(6), (b)(7)(C) elaborated that once everyone was in the ambulance, he said, NCIS (b)(6), (b)(7)(C) "get the fuck outta here!" When asked how long it took until the ambulance left for the hospital, NCIS (b)(6), (b)(7)(C) explained, "They weren't sitting there."

5. At the conclusion of the interview, NCIS (b)(6), (b)(7)(C) reiterated that when he first saw V/LOVELACE he did not have a pulse, he was not breathing and he looked like he was already dead. NCIS (b)(6), (b)(7)(C) added he received V/LOVELACE's biographical information from Naval Special Warfare Basic Training Command but cannot recall with whom he spoke. NCIS (b)(6), (b)(7)(C) asserted that the Navy Sea, Air and Land (SEAL) Team at the pool was very helpful, but they didn't tell him any information about what happened to V/LOVELACE before they arrived. NCIS (b)(6), (b)(7)(C) stated, "These SEALs don't tell us anything. It's kind of their culture to not say anything to us. (It's) kind of like 'we don't need your help.'" NCIS (b)(6), (b)(7)(C) agreed not to discuss the contents of the interview with anyone and would contact NCIS if he recalled additional information.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

NCIS (b)(6), (b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 03AUG16

CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C) CIV

1. On 02Aug16, at approximately 1004, Reporting Agent (RA) and Participating Agent (PA) NCIS (b)(6), (b)(7)(C) interviewed NCIS (b)(6), (b)(7)(C) CIV, Firefighter, Commander Navy Region Southwest (CNRSW), regarding his knowledge of the death of V/LOVELACE. As background, NCIS (b)(6), (b)(7)(C) one of four firefighters to respond to the 911 call regarding V/LOVELACE on 06May16.

NCIS (b)(6), (b)(7)(C) stated that on 06May16 he responded to a call for a Cardiopulmonary Resuscitation (CPR) in progress at building 164 aboard Naval Amphibious Base (NAB), Coronado, CA. Upon arrival at the scene, NCIS (b)(6), (b)(7)(C) stated he saw V/LOVELACE laying supine on the deck of the pool surrounded by the Corpsman and other Navy personnel who were performing CPR on him. NCIS (b)(6), (b)(7)(C) expressed his first impression was that V/LOVELACE looked dead. NCIS (b)(6), (b)(7)(C) stated as he prepared to use the Automated External Defibrillator (AED) and removed V/LOVELACE's uniform to apply the AED pads, he saw V/LOVELACE's eyes were open. According to NCIS (b)(6), (b)(7)(C) V/LOVELACE was unresponsive, his pupils were pinpoint and his body did not move. NCIS (b)(6), (b)(7)(C) did not recall V/LOVELACE having a pulse and noted his skin was clammy to the touch. NCIS (b)(6), (b)(7)(C) went on to say the AED was placed on V/LOVELACE's body and CPR was continuously administered. NCIS (b)(6), (b)(7)(C) stated a nasopharyngeal airway (NPA) was inserted into V/LOVELACE's nose and a substance resembling "red clay paste" came out of V/LOVELACE's mouth and nose after a few chest compressions. NCIS (b)(6), (b)(7)(C) stated based on his experience this was common with drowning victims.

NCIS (b)(6), (b)(7)(C) explained the first AED analysis did not result in a shockable rhythm and CPR continued. On the second AED analysis, a shockable rhythm was identified and V/LOVELACE was shocked. NCIS (b)(6), (b)(7)(C) recalled the third AED analysis resulted in a non-shockable rhythm and CPR continued. NCIS (b)(6), (b)(7)(C) asserted the CPR efforts were continuous. NCIS (b)(6), (b)(7)(C) confirmed that he and the other firefighters were rated as Basic Life Support (BLS) and Advanced Life Support (ALS) was called due to the severity of V/LOVELACE's condition. Per NCIS (b)(6), (b)(7)(C) medics (ALS) from Coronado City Fire Department, Coronado, CA, arrived on scene and V/LOVELACE was placed on a gurney and transported from the pool deck to the ambulance. NCIS (b)(6), (b)(7)(C) recalled seeing the two medics, a Navy Corpsman and two Instructors in the back of the ambulance with V/LOVELACE. NCIS (b)(6), (b)(7)(C) was asked by the Coronado City medics to drive the ambulance to the hospital. NCIS (b)(6), (b)(7)(C) recalled a Navy Chief (NFI) sat in the front passenger's seat of the ambulance. NCIS (b)(6), (b)(7)(C) stated he checked with the personnel in the back of the ambulance to determine if they were safe and confirmed with the medics he was going to Sharp Coronado Hospital. Once

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EXHIBIT (98)

confirmed he drove "Code 3" which means with lights and sirens to the hospital. Upon arrival at Sharp Coronado Hospital, V/LOVELACE was released to the hospital Emergency Room staff. [redacted] witnessed the staff "working this kid" with chest compressions and medication to rejuvenate his heart. [redacted] informed that after approximately an hour of compressions and medication the lead doctor declared V/LOVELACE dead.

4. At the conclusion of the interview, [redacted] reiterated V/LOVELACE looked deceased when he initially saw him lying on the deck of the pool. He attested how hard everyone on scene worked and tried their very best to help V/LOVELACE. He expressed how everyone was upset by the outcome. [redacted] agreed not to discuss the interview with anyone and would contact NCIS if he recalled any additional information.

REPORTED BY: [redacted] Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 06AUG16

CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CIV

1. On 02Aug16 Reporting Agent and Participating Agent (PA) NCIS (b)(6), (b)(7)(C) interviewed NCIS (b)(6), (b)(7)(C) CIV, Firefighter, Commander Navy Region Southwest, (CNRSW), regarding his knowledge of the death of V/LOVELACE. As background, NCIS (b)(6), (b)(7)(C) the engineer on duty and one of four firefighters to respond to the 911 call regarding V/LOVELACE on 06May16.

2. NCIS (b)(6), (b)(7)(C) explained on 06May16 he was dispatched to building 164 aboard Naval Amphibious Base (NAB), Coronado, CA, for a Cardiopulmonary Resuscitation (CPR) in progress. NCIS (b)(6), (b)(7)(C) stated he drove the ambulance and was the third firefighter to arrive on the scene. NCIS (b)(6), (b)(7)(C) recalled getting a backboard and responding to the pool. NCIS (b)(6), (b)(7)(C) said he saw individuals performing CPR on V/LOVELACE and a female Corpsman NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) working on V/LOVELACE. NCIS (b)(6), (b)(7)(C) recalled hearing a guy (NFI) ask, "What happened?", with regard to V/LOVELACE, but did not remember hearing a clear answer. NCIS (b)(6), (b)(7)(C) described it "seemed everyone was tight lipped." NCIS (b)(6), (b)(7)(C) stated he heard someone respond, "Two cycles of CPR done," after which NCIS (b)(6), (b)(7)(C) turned his attention to treating V/LOVELACE. NCIS (b)(6), (b)(7)(C) stated when he first saw V/LOVELACE, "He didn't look like he had any life in him, he looked dead." He continued to say that V/LOVELACE was pulseless, not breathing and was unresponsive. NCIS (b)(6), (b)(7)(C) described V/LOVELACE's eyes being "open and fixated." NCIS (b)(6), (b)(7)(C) went on to say that he and NCIS (b)(6), (b)(7)(C) CIV, Firefighter, CNRSW, put V/LOVELACE on the backboard and NCIS (b)(6), (b)(7)(C) the Bag Valve Mask (BVM) ready. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recalled placing V/LOVELACE's airway with a pocket mask. He recalled a nasal cannula was in V/LOVELACE's nose. NCIS (b)(6), (b)(7)(C) stated NCIS (b)(6), (b)(7)(C) CIV, Firefighter, CNRSW, hooked up the Automated External Defibrillator (AED) and removed V/LOVELACE's clothes. He explained that the first AED analysis indicated a non-shockable rhythm, which means the patient does not have a pulse or signs of circulation.

3. NCIS (b)(6), (b)(7)(C) went on to say he removed the nasal cannula from V/LOVELACE's nose because the seal on the BVM was impeded. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) inserted a King Airway and intubated V/LOVELACE and continued CPR. NCIS (b)(6), (b)(7)(C) said there was a discharge that came out of V/LOVELACE's nose and confirmed that this was common during CPR of a drowned patient. NCIS (b)(6), (b)(7)(C) stated that on the second AED analysis a shockable rhythm was identified. NCIS (b)(6), (b)(7)(C) recalled being excited because he thought V/LOVELACE would make it. NCIS (b)(6), (b)(7)(C) stated he pressed the button to administer the shock, checked for a pulse and continued CPR. NCIS (b)(6), (b)(7)(C) explained that when providing CPR it is best to switch out personnel performing chest compressions. He stated that Captain NCIS (b)(6), (b)(7)(C) CIV, Firefighter, CNRSW, provided CPR first, then himself,

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EXHIBIT (99)

then a SEAL (Sea, Air, Land) team member while waiting for Coronado City Fire Department Advance Life Support (ALS) to arrive. NCIS (b)(6), (b)(7)(C) once ALS medics arrived they provided medical attention to V/LOVELACE. He stated they put V/LOVELACE on the gurney and transported him to the ambulance. NCIS (b)(6), (b)(7)(C) recalled one of the medics asked what happened to V/LOVELACE, but none of the SEAL instructors said anything. NCIS (b)(6), (b)(7)(C) stated that on the way to the ambulance, a third AED analysis was detected and everyone stopped to wait for the result, which was a non-shockable rhythm. NCIS (b)(6), (b)(7)(C) stated when they placed V/LOVELACE in the ambulance, he saw multiple medics and Navy personnel in the back of the ambulance. He stated that NCIS (b)(6), (b)(7)(C) drove the ambulance to the hospital. NCIS (b)(6), (b)(7)(C) stated he did not recall seeing whether the medics gave V/LOVELACE drugs or not. NCIS (b)(6), (b)(7)(C) also did not remember if he saw lights and sirens on the ambulance because it was so common in their line of work, therefore, it did not register with him whether they were on or not.

4. At the conclusion of the interview, NCIS (b)(6), (b)(7)(C) stated that he never learned what happened to V/LOVELACE before they arrived at the pool. NCIS (b)(6), (b)(7)(C) believed the CNRSW firefighters did a good job in the lifesaving efforts of V/LOVELACE and were upset by the death of V/LOVELACE. NCIS (b)(6), (b)(7)(C) felt that people at the scene helped out in the lifesaving efforts for V/LOVELACE and no one impeded the process. NCIS (b)(6), (b)(7)(C) agreed not to discuss the interview with anyone and would contact NCIS if he recalled any additional information.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

NCIS (b)(6), (b)(7)(C)

NCIS (b)(6), (b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 09AUG16

CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C) CIV

1. On 02Aug16 Reporting Agent and Participating Agent (PA) NCIS (b)(6), (b)(7)(C) interviewed NCIS (b)(6), (b)(7)(C) CIV, Firefighter, Commander Navy Region Southwest (CNRSW), regarding his knowledge of the death of V/LOVELACE. As background, NCIS (b)(6), (b)(7)(C) was one of four firefighters to respond to the 911 call regarding V/LOVELACE on 06May16.

2. NCIS (b)(6), (b)(7)(C) explained on 06May16 the CNRSW firefighters responded to a dispatch call for a Cardiopulmonary Resuscitation (CPR) in progress at the swimming pool aboard Naval Amphibious Base (NAB), Coronado, CA. NCIS (b)(6), (b)(7)(C) stated he saw V/LOVELACE lying supine on the deck by the pool and Navy personnel were providing CPR. NCIS (b)(6), (b)(7)(C) described V/LOVELACE as pale and cyanotic. NCIS (b)(6), (b)(7)(C) stated cyanotic meant oxygenated blood was not circulating in the patient's body. NCIS (b)(6), (b)(7)(C) V/LOVELACE's eyes were initially closed but then opened due to the pressure from the chest compressions. He described V/LOVELACE's pupils as pinpoint, his lips were blue with purple tint and his skin was pale. NCIS (b)(6), (b)(7)(C) informed that the color of V/LOVELACE's skin indicated there was not adequate oxygen in his blood. NCIS (b)(6), (b)(7)(C) stated that V/LOVELACE was not breathing, was pulseless, unresponsive, and in "full arrest." NCIS (b)(6), (b)(7)(C) called asking the Navy personnel, "How long has he been out?" Someone responded, "Two to three cycles." NCIS (b)(6), (b)(7)(C) stated he told the Navy personnel to continue CPR and the Corpsman (NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)) to continue chest compressions.

3. NCIS (b)(6), (b)(7)(C) stated that NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was using the mouth to pocket mask on V/LOVELACE and giving chest compressions. NCIS (b)(6), (b)(7)(C) said he got the Automated External Defibrillator (AED) ready, pulled V/LOVELACE away from the pool to a dry area, cut off V/LOVELACE's clothes, wiped him off with a towel and applied the AED. NCIS (b)(6), (b)(7)(C) relayed that the first AED analysis advised not to shock the patient; therefore, they continued CPR. NCIS (b)(6), (b)(7)(C) added that he assisted NCIS (b)(6), (b)(7)(C) CIV, Firefighter, CNRSW, with the oxygen mask and they switched the pocket mask to a Bag Valve Mask (BVM) to help with the rescue breaths. NCIS (b)(6), (b)(7)(C) explained that NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) inserted V/LOVELACE with a King Airway. NCIS (b)(6), (b)(7)(C) explained that he went to grab the gurney when a second AED analysis identified a shockable rhythm and he was not present when V/LOVELACE was shocked. NCIS (b)(6), (b)(7)(C) stated he thought they found a "light pulse" after the shock, but he was not there. NCIS (b)(6), (b)(7)(C) stated that a nasopharyngeal airway (NPA) was inserted into V/LOVELACE's nose. NCIS (b)(6), (b)(7)(C) applied two breaths to V/LOVELACE and water expelled from V/LOVELACE's nose. NCIS (b)(6), (b)(7)(C) described the water as mostly clear, a little bloody, but confirmed this was common during CPR of a drowned patient based

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EXHIBIT (100)

on his experience. He continued to say it was a sign that the lungs were filled with fluid and the air assists the water out.

4. According to NCIS (b)(6), (b)(7)(C) dispatch contacted Medic 36, Advance Life Support (ALS) in Coronado, CA. NCIS (b)(6), (b)(7)(C) stated when ALS arrived V/LOVELACE was placed on the gurney. He recalled while transporting V/LOVELACE to the ambulance, an ALS medic asked for information surrounding the circumstances of V/LOVELACE's condition and someone (NFI) answered, "He went unconscious and he was not breathing, that's why we called you guys." NCIS (b)(6), (b)(7)(C) said that while transporting V/LOVELACE to the ambulance, a third AED analysis was detected. NCIS (b)(6), (b)(7)(C) everyone stopped and waited for the result, but the AED advised not to shock the patient and CPR continued. Once V/LOVELACE was placed in the back of the ambulance, NCIS (b)(6), (b)(7)(C) stated he saw two medics and at least one Sailor in the back of the ambulance. NCIS (b)(6), (b)(7)(C) stated he did not witness the ALS medics giving V/LOVELACE any drugs. He recalled that one of the CNRSW firefighters drove to Sharp Coronado Hospital, Coronado, CA, and recalled seeing lights and sirens on the ambulance as it drove away.

5. NCIS (b)(6), (b)(7)(C) added that everyone on scene was helpful and no one impeded lifesaving efforts. NCIS (b)(6), (b)(7)(C) expressed how hard the CNRSW firefighters worked on V/LOVELACE. NCIS (b)(6), (b)(7)(C) stated he remembered Navy personnel surrounding them while they worked on V/LOVELACE giving words of encouragement and trying to get V/LOVELACE to respond. He went on to say how upset everyone was at the death of V/LOVELACE. NCIS (b)(6), (b)(7)(C) agreed not to discuss contents of the interview with anyone and he would contact NCIS if he recalled any additional information.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 18AUG16

CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RECEIPT AND REVIEW OF V/LOVELACE'S CIVILIAN MEDICAL RECORDS

1. Pursuant to captioned investigation, Reporting Agent (RA) requested the civilian medical records for V/LOVELACE NCIS (b)(6), (b)(7)(C) the NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) On 14AUG16, NCIS (b)(6), (b)(7)(C) mailed RA V/LOVELACE's medical records from the Advanced Family Medicine Clinic, Crestview, FL. Enclosure (A) pertains.

2. The physician identified in the records is Dr NCIS (b)(6), (b)(7)(C) MD. The records consist of a list of medications ranging from March 2011 to March 2015. There is an entry for a prescription for NCIS (b)(6), (b)(7)(C) (brand name for NCIS (b)(6), (b)(7)(C)) dated 3/14/2011 that expired 4/13/2011 and a subsequent identical prescription dated 8/28/2012 that expired 4/13/2011. The status of both of these prescriptions was designated "Historic." It is unknown at this time what "Historic" means. There is another NCIS (b)(6), (b)(7)(C) prescription dated 1/15/2014 with no expiration date with a status of "Active" and another NCIS (b)(6), (b)(7)(C) prescription dated 2/10/2015 with expiration date 3/12/2015 with a status of "Active."

3. In the records there is a section titled, "PROBLEMS." In this section it lists NCIS (b)(6), (b)(7)(C) CAUSE UNSPECIFIED." It lists the "Problem Status" as "Current" and "Problem Date" as 7/12/2012. In the records, there are no other mentions of allergies or prescriptions for NCIS (b)(6), (b)(7)(C) or NCIS (b)(6), (b)(7)(C) Of note, NCIS (b)(6), (b)(7)(C)

ENCLOSURE(S)
(A) V/LOVELACE Medical Records from Advanced Family Medicine Clinic/11AUG16

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

NCIS (b)(6), (b)(7)(C)

NCIS (b)(6), (b)(7)(C)

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EXHIBIT (101)

Pages 129 through 142 redacted for the following reasons:
- -
Enclosure (A) to Exhibit (101): Contact Advanced Family Medicine Clinic to obtain

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 16AUG16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/CBPW/PACIFIC CYBER OPERATIONS NCIS (b)(6), (b)(7)(C) REPRESENTATIVE

REFERENCE(S)
(A) NCISRA SAN DIEGO CA ROI (OPEN)/16MAY16
(B) NCIS CYBER OPERATIONS SAN DIEGO CA ROI (ACTION)/20MAY16
(C) NCIS CYBER OPERATIONS SAN DIEGO CA ROI (ACTION)/17JUN16
(D) NCIS CYBER OPERATIONS SAN DIEGO CA ROI (ACTION)/19JUL16

NARRATIVE
1. Cyber support to lead tasking set forth in Reference (A) is pending final report from the San Diego Regional Computer Forensics Laboratory. This tasking requires processing and examination by a certified forensic video specialist. Estimated date of completion is 26AUG16. Cyber Support continues. References (B) through (D) acknowledged the receipt of lead tasking and provided a status update.

PARTICIPANTS
NCIS (b)(6), (b)(7)(C) REPRESENTATIVE, NCIS CYBER FIELD OFFICE

DISTRIBUTION
NCISHQ:023B/23B1/0022 (ATTN: SA NCIS (b)(6), (b)(7)(C) CBFO
INFO :CBPW/SWND/002P/002G/SWFO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM) 01AUG16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO/ NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)
(A) NCISRA SAN DIEGO CA ROI (INTERIM)/(CONTAINS EXHIBITS 1-55)/31MAY16
(B) NCISRA SAN DIEGO CA ROI (INTERIM)/(CONTAINS EXHIBITS 56-83)/30JUN16

EXHIBIT(S)
(84) IA: RECEIPT OF AUTOPSY REPORT AND TOXICOLOGY REPORT FOR V/LOVELACE/21JUL16
(85) IA: RESULTS OF CYBER FORENSIC EXAMINATION/19JUL16
(86) IA: RESULTS OF REVIEW OF V/LOVELACE'S IPHONE/01AUG16
(87) IA: RESULTS OF SOCIAL MEDIA INTELLIGENCE RESEARCH FOR V/LOVELACE/20JUL16
(88) IA: RESULTS OF VIDEO CLARIFICATION SUPPORT/22JUN16
(89) IA: REVIEW OF VIDEO RECORDING OF THE CTT ON 06MAY16/21JUL16
(90) IA: RESULTS OF TECHNICAL INVESTIGATIVE SUPPORT/22JUL16
(91) IA: RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN/21JUL16
(92) IA: RECEIPT AND REVIEW OF NSW BTC BUD/S CURRICULUM DOCUMENTS/01AUG16
(93) IA: RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C) CIV/26JUL16
(94) IA: COLLECTION AND SUBMISSION OF FINGERPRINTS NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) AND DNA/01AUG16
(95) IA: RESULTS OF OMPF REVIEW FOR NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) 01AUG16
(96) IA: RESULTS OF DATABASE INDICES QUERIES FOR 26MAY16 NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

EXECUTIVE SUMMARY

1. On 06MAY16 at 1412, NCISRA San Diego, CA was notified via Commander Navy Region Southwest (CNRSW) dispatch that V/LOVELACE, a student training to become a SEa Air Land (SEAL) operator, was transported to Sharp Coronado Hospital, Coronado, CA, from building 164 (pool) aboard Naval Amphibious Base (NAB), Coronado, CA, as he was unconscious and it was uncertain if he was breathing. At approximately 1600, NCIS contacted Sharp Coronado Hospital and was informed V/LOVELACE was pronounced dead at 1436 at the hospital. NCIS (b)(6), (b)(7)(C) NCIS Forensic Consultant, was notified of V/LOVELACE's death. Members of the NCISRA San Diego Major Case Response Team (MCRT)

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responded to building 164 and Sharp Coronado Hospital to document the scene and V/LOVELACE's body. Interviews of Naval Special Warfare (NSW) Basic Training Center (BTC) instructors and students from V/LOVELACE's class were conducted and it was determined V/LOVELACE was observed to be struggling with keeping his head above the water, his face was red/purple, and an instructor was seen dunking him underwater during the training evolution. On 07MAY16, an autopsy of V/LOVELACE's body was conducted at the San Diego County Medical Examiner's office with NCIS representatives present. On 09MAY16, a documentation and search of V/LOVELACE's barracks room was completed and his personal cell phone was seized and placed into evidence. Video recorded footage of the pool training was captured and has undergone forensic analysis and review. Pertinent Basic Underwater Demolition/SEAL (BUD/S) training records and documents have been received and reviewed by NCIS. On 06JUL16, the San Diego County Medical Examiner's Office released its report and concluded the cause of V/LOVELACE's death was drowning and the manner was homicide. [redacted] was identified as the instructor who was with V/LOVELACE while he was struggling in the pool and subsequently pulled him out. The Commanding Officer at NSW BTC and Senior Trial Counsel at Region Legal Service Office (RLSO) Southwest were briefed on the status of the investigation.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NARRATIVE

1. This investigation was initiated on 06MAY16 upon notification of the death of V/LOVELACE. This investigation pertains to violations of the following statutes: Uniform Code of Military Justice (UCMJ) Article 119 (b)(1) Manslaughter and California Penal Code 192 (b) Involuntary Manslaughter.

2. On 06JUL16, the County of San Diego Office of the Medical Examiner released the final autopsy and toxicology report regarding V/LOVELACE. The cause of V/LOVELACE's death was drowning and the manner was homicide. Exhibit (84) pertains.

3. The Regional Computer Forensics Laboratory (RCFL) completed a forensic examination and extraction of V/LOVELACE's iPhone. Exhibit (85) pertains. Reporting Agent (RA) reviewed the contents of the iPhone and found no items of evidentiary value. Exhibit (86) pertains. A social media intelligence search for V/LOVELACE was completed. No items of probative value were identified. Exhibit (87) pertains.

4. Participating Agent (PA) [redacted] completed a video resolution enhancement of the captured footage of the Combat Training Tank (CTT) from 06MAY16 and provided the enhanced video to RA for review. Exhibit (88) pertains. RA reviewed the original footage as well as the enhanced video footage and completed a timeline of events for the Combat Swimming Orientation (CSO) evolution wherein V/LOVELACE had difficulties and later died. Exhibit (89) pertains. PA [redacted] took photographs of the CTT and provided the images to Forensic Consultant [redacted] for forensic imaging. Exhibit (90) pertains.

NCIS (b)(6), (b)(7)(C)

NCIS (b)(6), (b)(7)(C)

NCIS (b)(6), (b)(7)(C)

5. On 06JUL16, RA interviewed [redacted] NSW BTC, regarding his pre-brief for the CSO evolution on [redacted] He could not recall exactly what he briefed but conceded he would have used information from policies and curriculum. Exhibit (91) pertains. On

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

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08AUG16, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b), Commanding Officer, NSW BTC, emailed seven curriculum documents from the NSW BUD/S training. Exhibit (92) pertains.

6. On 26JUL16, PA NCIS (b)(6), (b)(7)(C) interviewed NCIS (b)(6), (b)(7)(C) CIV, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) provided handwritten letters V/LOVELACE sent to her while he was in boot camp containing his desire to become a Navy SEAL. Exhibit (93) pertains.

7. On 27JUL16, Participating Investigator NCIS (b)(6), (b)(7)(C) obtained fingerprints, photographs, and a Deoxyribonucleic Acid (DNA) sample from [illegible] submission to the Federal Bureau of Investigation National Crime Information Center (NCIC) and Combined DNA Index System (CODIS). Exhibit (94) pertains. A NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Military Personnel File (OMPF) was completed. Exhibit (95) pertains. Database indices were queried for a criminal history for [illegible] Exhibit (96) pertains.

8. Investigation continues pending completion of logical interviews and [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C) Senior Trial Counsel, RLSO Southwest, have been briefed on the status of this investigation.

PARTICIPANTS

NCIS (b)(6), (b)(7)(C)

[illegible]ESTIGATOR, TECHNICAL SERVICES DETACHMENT NORTHWEST
[illegible]PRESENTATIVE, PACIFIC CYBER OPERATIONS
[illegible], SUPERVISORY SPECIAL AGENT, OFFICE OF TECHNICAL SERVICES

[illegible]CIAL AGENT, RESIDENT AGENCY SAN DIEGO
[illegible]ECIAL AGENT, RESIDENT AGENCY PENSACOLA
[illegible]ENTATIVE, PACIFIC CYBER OPERATIONS
[illegible]ESTIGATOR, RESIDENT AGENCY SAN DIEGO

DISTRIBUTION
NCISHQ:0023
INFO :SWND/RLSO SOUTHWEST (CDR NCIS (b)(6), (b)(7)(C) USN) (H)/NSW
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C)

NCIS (b)(6), (b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 21JUL16

CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RECEIPT OF AUTOPSY REPORT AND TOXICOLOGY REPORT FOR V/LOVELACE

1. On 06JUL16, the County of San Diego Office of the Medical Examiner emailed Reporting Agent a copy of the autopsy report and toxicology report for V/LOVELACE. Enclosure (A) pertains. The cause of V/LOVELACE's death was drowning with cardiomegaly (enlarged heart); aberrant origin of right coronary artery ostium being possible contributors and the manner of death was homicide.

ENCLOSURE(S)
(A) Autopsy Report and Toxicology Report for V/LOVELACE/06JUL16

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

NCIS (b)(6), (b)(7)(C)

NCIS (b)(6), (b)(7)(C)

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EXHIBIT (84)

Pages 148 through 162 redacted for the following reasons:
- -
Enclosure (A) to Exhibit (84): Contact County of San Diego, Office of the Medical Examiner to obtain

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 19JUL16

CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF CYBER FORENSIC EXAMINATION

BACKGROUND:
1. This is an investigation on the circumstances surrounding the death of V/LOVELACE, who was reportedly observed struggling with keeping his head above the water in the pool in Building 164 on board Naval Amphibious Base, Coronado, CA, on 06MAY16.

REQUEST:
1. Special Agent (SA) NCIS (b)(6), (b)(7)(C) requested CBFO to conduct an extraction of V/LOVELACE's personal iPhone (NCISFO San Diego, CA, evidence log number 273-16, Item A).

AUTHORIZATION:
1. No reasonable expectation of privacy; victim deceased.

EVIDENCE:

Log	ITEM	DESCRIPTION
273-16	A	(1) Apple iPhone A1549, Serial# F78PD66QG5MC

FORENSIC SUPPORT SUMMARY
1. On 09JUN16, Reporting Investigating Computer Specialist (RICS) acquired data from V/LOVELACE's iPhone. SA NCIS (b)(6), (b)(7)(C) provided RICS the security code to unlock the phone.

2. RICS ensured the device was placed in a Faraday bag and then configured the device to airplane mode.

ACQUISITION TOOLS:

Log	ITEM	DESCRIPTION
273-16	A	(1) Apple iPhone A1549, Serial# F78PD66QG5MC

1. RICS used all available extraction methods to ensure the most comprehensive acquisition was accomplished. RICS successfully completed a Logical, File System and Advanced Logical extraction of V/LOVELACE's iPhone using CELLEBRITE Universal Forensic Extraction Device (UFED) and CELLEBRITE Physical Analyzer.

2. All contacts, SMS messages, chat messages, calendar, notes, tasks, call logs, voicemail, graphic pictures, audio and video were extracted.

3. Reports were generated for each extraction method and reviewed using the

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EXHIBIT (85)

UFED Reader. RICS conducted a preliminary overview of the acquired data with SA NCIS (b)(6), (b)(7)(C) for her further review.

DISPOSITION OF EVIDENCE:
1. RICS provided the following three DVD to SA NCIS (b)(6), (b)(7)(C) as RESULTS media:

Barcode Number, Description
00155333, DVD Labeled "CELLEBRITE Raw Data Acquisition of Apple iPhone A1549, Serial# F78PD66QG5MC"
00155334, DVD Labeled "CELLEBRITE Logical/File System/ Advanced Logical Reports of Apple iPhone A1549, Serial# F78PD66QG5MC (UFED READER FORMAT)"
00155335, DVD Labeled "CELLEBRITE Logical/File System/ Advanced Logical Report of Apple iPhone A1549, Serial# F78PD66QG5MC (ACROBAT PDF READER FORMAT)"

2. RICS returned evidence log number 273-16, Item A, one Apple iPhone A1549, Serial# F78PD66QG5MC to the Consolidated Evidence Facility at NCISFO San Diego, CA.

GLOSSARY OF TERMS:
1. Logical Extraction: A type of extraction that extracts files or records as independent artifacts. If the artifact was embedded within another file or database, the parent item is not necessarily extracted as part of the logical extraction.

2. File System Extraction: A type of extraction that acquires a file structure by harvesting files and folders. The File System is more comprehensive than the logical extraction.

3. Advanced Logical Extraction: A unique extraction method by CELLEBRITE; the process uses a combination of File System Extraction and the Apple protocols to also extract protected items by the Apple Operating System (iOS).

REPORTED BY: NCIS (b)(6), (b)(7)(C) Representative
OFFICE: PACIFIC CYBER OPERATIONS

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 01AUG16

CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF REVIEW OF V/LOVELACE'S IPHONE

1. Beginning in early July 2016, Reporting Agent (RA) reviewed the contents of V/LOVELACE's personal cell phone, an iPhone 6, which was forensically imaged and extracted by NCIS (b)(6), (b)(7)(C) Investigating Computer Specialist, Regional Computer Forensics Laboratory (RCFL), San Diego, CA. The information was provided using the Cellebrite Universal Forensic Extraction Device (UFED). The forensic image and extraction was documented in separate reporting.

2. RA reviewed the phone and noted there were 2149 calls listed in the call log portion of the report. The call log identified the date, time, duration, and phone numbers of the call (to and from). Through this review, RA identified the phone numbers for NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) RA reviewed the contacts and noted there were 1462 contacts listed. Other items reviewed were email, photos, videos, chats, calendar, notes, text messages (chats), short message service (SMS), and web history.

3. V/LOVELACE had passwords to various online accounts, Wi-Fi, and his Common Access Card (CAC), and combinations for locks listed in the notes section. The web history searches revealed he looked up Fallen Navy Seals, how much water was in milk, New Balance Shoes, 15 foot iPhone charger, difference between an oar and a paddle, and research for vehicles, specifically Jeeps. The photos revealed family pictures, photos of V/LOVELACE and friends, and videos depicting outdoor activities such as swimming, exercise, and white water rafting. The chats revealed communications between V/LOVELACE and family members and friends.

4. RA conducted a word search of the entire phone of various words pertaining to health and medical concerns and the SEAL training program. All terms yielded negative results. There were no other items identified in the data review that contained items of probative value.

5. The raw data from the Cellebrite extraction was placed onto a DVD by NCIS (b)(6), (b)(7)(C) subsequently entered into the NCIS Southwest Field Office Consolidated Evidence Facility under log 0371-16.

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EXHIBIT (86)

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 20JUL16

CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF SOCIAL MEDIA INTELLIGENCE RESEARCH FOR V/LOVELACE

1. From 15JUN16 to 29JUN16, Reporting Intelligence Specialist (IS) conducted queries using various search engine tools focusing specifically on forums and blogs in an effort to identify any indication that V/LOVELACE may have had pre-existing health problems. No information of evidentiary value was identified.

2. Reporting IS also reviewed V/LOVELACE'S public social media platforms, and no information of evidentiary value was identified.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Representative
OFFICE: PACIFIC CYBER OPERATIONS

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EXHIBIT (87)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 22JUN16

CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF VIDEO CLARIFICATION SUPPORT

1. On 18MAY16, Reporting Agent (RA) received a request from Special Agent (SA) NCIS (b)(6), (b)(7)(C) NCISRA San Diego, CA to provide clarification of digital surveillance video. The video was obtained from the virtual server at the Naval Special Warfare Command, Naval Amphibious Base, Coronado, CA.

2. On 26MAY16, RA opened a FEDEX package received at NCISTSD Northwest. RA received three (3) DVD-R's marked the following "V/LOVELACE Copy 4 Camera View 1335-1358", "Copy V/LOVELACE Pool Camera 1300-1335" and ""V/LOVELACE copy Pool Camera 1335-1415". The video files were copied to the hard drive of a video clarification system for examination. The data integrity of the files copied was documented using a SHA-1 hash checksum utility.

3. On 27MAY16, RA noted that all three DVD-R's contained proprietary video files which contained a provided Ocularis Viewer. RA noted that on the 4 Camera View 1335-1358 DVD-R there were four proprietary data files marked "CTT Dive-Board.bin" CTT-East.bin", "CTT Shallow-End.bin" and "CTT-West.bin". RA noted on the Pool Camera 1300-1335 DVD-R there were two proprietary data files marked "CTT Dive-Board.bin" and "CTT-West.bin". On the Pool Camera 1335-1415 DVD-R there were two proprietary data files marked "CTT Dive-Board.bin" and "CTT-West.bin". At the time RA was only able to play the files using the provided Ocularis Viewer which displayed the time and the date of "5/6/2016".

4. During the 28MAY16 and 15JUN16 timeframe, RA reviewed the video and noted some of the video appeared to skip while it played in the Ocularis Viewer. RA tried several different methods to convert or capture the video from the provided DVD-R's.

5. On 16JUN16, RA was able to convert all eight (8) of the proprietary video files to an .MP4 format. RA noted that the conversion process was unable to convert the Time/Date on the videos which was present in the proprietary Ocularis Viewer. RA transferred the converted videos to a DVD-R, Enclosure (A) pertains. RA also uploaded all the videos to the NCISTSD Northwest secure server and provided access to SA NCIS (b)(6), (b)(7)(C) to download the videos for review. RA also FEDEX Enclosure (A) to SA NCIS (b)(6), (b)(7)(C)

6. On 20JUN16, RA clarified the Pool Camera 1335-1415 CTT Dive-Board view video, from the converted .MP4 file. RA applied a spotlight effect to the video of what appears to be the victim and then subsequently trimmed the video from frame 0 to frame 23395, when it appears the victim is removed

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EXHIBIT (88)

from the pool area on a stretcher. During the review of the video, RA noted that at frame 11609 it appears the video skips forward. RA correlated the video frame to what is depicted when the video is played in the Ocularis Viewer and it appears the video skips from 5/6/2016 13:41:21.401 to 5/6/2016 13:41.26.670. RA also noted that at frame 11,879 it appears the video skips forward again. RA correlated the video frame to what is depicted when the video is played in the Ocularis Viewer and it appears the video skips from 5/6/2016 13:41:35.913 to 5/6/2016 13:44.15.500.

7. On 21JUN16, RA further clarified the spotlight/trimmed video by applying a Temporal Smoothing filter, cropping the area of interest and then additionally trimming the video clip from frame 0 to frame 16515. RA noted there was limited success in clarifying the video mostly due to the distance of the individuals to the camera and the compression of the original video. RA uploaded the result to the NCISTSD Northwest secure file server along with the previous spotlight/trimmed video both in .MP4 format. RA provided access to SA NCIS (b)(6), (b)(7)(C) to download the videos for review and to include them in the case file.

ENCLOSURE(S)
(A) One (1) DVD-R containing eight (8) converted video files

REPORTED BY: NCIS (b)(6), (b)(7)(C) Investigator
OFFICE: TECHNICAL SERVICES DETACHMENT NORTHWEST

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Page 170 redacted for the following reason:
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Enclosure (A) to Exhibit (88): Referred to Naval Special Warfare Command

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 21JUL16

CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

REVIEW OF VIDEO RECORDING OF THE CTT ON 06MAY16

1. Reporting Agent (RA) reviewed the extracted video from 06MAY16 from the Naval Special Warfare (NSW) Basic Training Center (BTC) server fed by the video cameras located at the Combat Training Tank (CTT), aboard Naval Amphibious Base (NAB) Coronado. RA had access to the original unenhanced video as well as the same footage that had its resolution enhanced by NCIS Technical Services in a process documented in separate reporting. RA reviewed both of the versions from two different camera angles: closest to the west end of the CTT where the diving platforms are (CTT DIVE BOARD) and the midrange covering the middle of the pool extending to the west end (CTT WEST). RA reviewed both versions and both camera angles of the footage numerous times over several days from May through June 2016. It is noted the enhanced footage does not contain the running clock time as the original footage does; rather, it has a timeline but it begins at minute 00:00. Times noted below are based off of the timestamps from the original footage with the running clock time though the actual actions described were based off the review of both versions.

2. TIMELINE OF VIDEO

At 13:17:44, the BUD/S students get into the CTT and begin the Combat Swimming Orientation (CSO) evolution with goggles full of water. They are at the northwest end of the pool.

At 13:36:08, an Instructor at the highest dive platform (positively identified as NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)) jumps into the group of students in a mass at the north end of the CTT. Soon after, the other Instructor (positively identified as NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)) jumps in the same area.

At 13:36:28, the Safety Swimmer Instructor with no shirt on, dark hair, and a red flotation board begins to swim into the mass of students (where V/LOVELACE is though it is hard to see him due to the quality of the video). This Safety Swimmer Instructor was positively identified as NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

At 13:36:34, it appears as if NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) uses his right hand to dunk V/LOVELACE's head underwater. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) then swims with V/LOVELACE and it is easier to follow them.

At 13:36:38, it appears as if V/LOVELACE's head emerges from the water. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) is with V/LOVELACE and is splashing him in the face and using his

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EXHIBIT (89)

red flotation board to create waves of water in front of V/LOVELACE's face. They are at the northeast end of the 15-foot deep section of the CTT.

At 13:37:00, [redacted] splashes V/LOVELACE in the face while another unidentified Safety Swimmer Instructor is splashing V/LOVELACE from behind.

At 13:37:29, V/LOVELACE begins swimming toward the south end of the CTT. [redacted] is following directly behind him.

At 13:37:40, V/LOVELACE is treading/swimming backward toward the south end of the CTT (along the east end of the 15-foot deep section) as [redacted] is swimming toward V/LOVELACE, using the flotation device to splash him in the face.

At 13:38:15, another student at the south end of the pool (positively identified as [redacted]) jumps into the pool and swims underwater to [redacted] by the back collar of his blouse and pulls him southward.

At 13:38:24, [redacted] uses his flotation device into the back of V/LOVELACE's head.

At 13:38:26, [redacted] uses his right hand and hooks around from behind V/LOVELACE and pushes V/LOVELACE completely underwater.

At 13:38:36, V/LOVELACE begins swimming backward toward the north end of the CTT, along the east end of the 15-foot deep section of the pool [redacted] is behind him.

At 13:39:21, [redacted] uses his right hand to pick up V/LOVELACE by the left shoulder out of the water as V/LOVELACE was underwater.

At 13:39:24, the unidentified Safety Swimmer Instructor splashes V/LOVELACE from behind.

At 13:39:56, V/LOVELACE is underwater as [redacted] is above him using his float to create waves.

At 13:40:04, [redacted] picks up V/LOVELACE from under the water.

At 13:40:05, [redacted] pushes V/LOVELACE away eastward.

At 13:40:08, [redacted] continues to make waves and splash V/LOVELACE.

At 13:40:14, [redacted] appears to pick up V/LOVELACE again.

At 13:40:18, [redacted] lets go of V/LOVELACE.

At 13:40:54, [redacted] hands off his flotation device to another safety swimmer instructor (currently unidentified) and goes underwater. At this time, numerous students are underwater, possibly removing their boots as instructed as part of the training.

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At 13:41:08, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) emerges from the water and gets his float back. At this time, it is difficult to determine the location of V/LOVELACE as there are several other students in the area.

At 13:42:21, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) sees V/LOVELACE to the west end of the CTT edge, north of the dive platforms.

At 13:42:33, V/LOVELACE is lifted out of the CTT and attended to.

At 13:44:07, an instructor who was with the group attending to V/LOVELACE runs to the south end of the CTT deck and stands by the phone waiting and is watching the group north of the dive platform.

At 13:44:58, this instructor picks up the phone and calls 911.

At 13:45:12, students in the CTT are instructed to get out of the CTT and they begin swimming toward the west end of the CTT.

At 13:45:19, another instructor runs from the group attending to V/LOVELACE to the south end of the CTT deck and grabs two medical gear bags and runs back to where V/LOVELACE is being treated.

At 13:46:08, the last student gets out of the CTT.

At 13:49:50, Emergency Medical Services from Federal Fire Department arrive.

At 13:57:17, Emergency Medical Services from City of Coronado arrive.

At 13:58, V/LOVELACE is transported via gurney to the ambulance (out of the shot). On the way to the ambulance, it is seen in the video that personnel are actively performing Cardio Pulmonary Resuscitation compressions on his chest.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 22JUL16

CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF TECHNICAL INVESTIGATIVE SUPPORT

1. On 20JUL16, Reporting Agent photographed the outdoor training pool on the Naval Amphibious Base Coronado at the request of the Case Agent (CA). A DVD containing 92 images was provided to the CA. A project file was provided to Forensic Consultant NCIS (b)(6), (b)(7)(C) detailing the global position system derived locations of the camera when each image was taken to allow further forensic analysis.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Supervisory Special Agent
OFFICE: OFFICE OF TECHNICAL SERVICES HEADQUARTERS

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EXHIBIT (90)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 21JUL16

CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 06JUL16, Reporting Agent (RA) met with NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Naval Special Warfare (NSW) Basic Training Center (BTC), Naval Amphibious Base (NAB) Coronado. As background, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was the Under Instruction (UI) Instructor of the Combat Swimming Orientation (CSO) evolution for Basic Underwater Demolition (BUD/SEa Air Land (SEAL)) on 06MAY16 wherein V/LOVELACE experienced difficulties and subsequently died. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) explained that on 06MAY16 he was the UI for class NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b), who was the Petty Officer in Charge (PIC) and was supposed to NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) take over as the PIC for the evolution in the future. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) explained he was the individual who briefed (pre-brief) the SEAL instructors prior to the CSO evolution. The purpose of this interview was to determine what the instructors were briefed prior to the CSO evolution.

2. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he briefed the SEAL safety swimmer instructors, the safety observer instructors, and Corpsman approximately 20-30 minutes before the evolution at the BTC briefing room. According to NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) there was not an attendance sheet for those who were present during the pre-brief but everyone who would have participated in the evolution would have been at the pre-brief. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) showed the printed out PowerPoint brief for the CSO evolution which was used on 06MAY16 and documented in previous reporting. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reviewed the PowerPoint brief and recognized the brief as "the same one to the best of my knowledge." Of note, the PowerPoint brief includes descriptions of the two stations of the CSO evolution. The station in question is Station Two, where the students are in the pool for the Combat Tread exercise.

3. Based on the PowerPoint, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) pre-brief began at 1230 (as noted on the first page of the printout). NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated during the brief "we go through every slide," to ensure that everything covered in the PowerPoint was discussed and if anyone had questions they would speak up as it was crucial to ensure everyone was "on the same page." Specific to the instructions for Station Two, the first bullet point reads, "Minimum of 5 Staff members in pool IOT create an adverse environment." NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) believed the definition of what constituted "adverse" would be in the curriculum within "our LTG's (Lesson Training Guide) and TCCD (Training Course Control Document) or in the Evolution Brief Sheet." NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) added if he was an instructor receiving the pre-brief information, he felt if the briefing instructor mentioned "adverse," he would have raised his hand and asked for clarification. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he could not recall if anyone questioned

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EXHIBIT (91)

this during his pre-brief. RA presented [redacted] with the Evolution Brief Sheet which was also documented in previous reporting. [redacted] examined the Evolution Brief Sheet and agreed the "adverse" definition and requirements were not within this document either.

4. [redacted] stated he recalled doing the pre-brief on 06MAY16 but "not exactly what I said." When asked if he would have discussed dunking students or going hands-on with students during the brief, he was hesitant to answer and advised he would like to have the opportunity to read the instruction before commenting as he was afraid of providing inaccurate information. Of note, the date of this interview coincided with the day the San Diego Office of the Medical Examiner released the cause and manner of V/LOVELACE's death as Drowning and Homicide, respectively, and there was a lot of media coverage as a result.

5. During the interview, [redacted] had participated in 2-3 evolutions of the CSO in the past and there haven't been any since 06MAY16. He recalled it was common for BUD/S students to get pulled out of the pool for passing out or struggling in the water. He also recalled that he would have had to have participated as a safety swimmer during the evolution at least once in the past but he could not remember it specifically as they do several pool evolutions during the Phase 1 portion of the BUD/S program.

6. RA provided [redacted] previous statements to NCIS during an interview in MAY16 wherein he indicated dunking and holding students underwater was not part of the evolution. [redacted] affirmed this statement. When asked where and when the SEAL instructors learn this requirement, [redacted] referred to wanting to see the documentation to support as he did not want to provide inaccurate information. [redacted] confirmed the only pool evolution that requires hands-on the students is the lifesaving evolution. When asked to describe there were two sections of this training which involved passive and active. The passive portion requires the student to tow an instructor out of the pool who is limp and not reactive. The active portion requires the student to assist and save an instructor who is fighting and acting panicked. [redacted] stated he would be able to go to his office space within the BTC and pull up the LTG and TCCD that may provide the information about what constituted an "adverse" environment for the CSO.

7. Upon returning from his office, [redacted] stated he asked his Chief (NFI) and another individual (NFI) for the LTG and TCCD and they informed him they already provided everything to NCIS. It is noted that this was not accurate. [redacted] did however bring a diagram he created after 06MAY16 to document the schematics of the Combat Training Tank (CTT) and the positions of all the instructors at the CTT during the CSO evolution. Enclosure (A) pertains. [redacted] informed that due to the required ratios for the evolution, they actually had more people present at the CTT than was required that day. With regards to the ratios, RA asked [redacted] from where the requirements for the ratios were derived. [redacted] identified the ratios were noted in the PowerPoint brief but there was documentation explaining [redacted] that even though individuals were positioned at the CTT on the document, it did not require them to stay stationed in the corresponding location as on the paper. He

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further explained the instructors in the water were meant to swim in and around the students and those on the deck were not constrained to a specific location, rather they could walk around the deck for different vantage points or to assist with students who got out of the pool. RA returned to his office space to obtain the LTG and TCCD previously requested by [redacted].

8. RA, [redacted], Staff Judge Advocate, NSW BTC, walked to the administration office where [redacted] was working at his computer. [redacted] was searching for the requested documents. It is unclear if [redacted] had all of the aforementioned individual's documents when [redacted] had all documents in front of [redacted] and [redacted] continued to search together to find the information. [redacted] provided the LTG and TCCD for "BUD/S Basic Orientation, 1st Phase through Hell Week," which covers the information for the following courses: "Drown Proofing," "Underwater Knot Tying," "50 Meter Underwater Swim," "Inflatable Boat Small (IBS)," "IBS Surf Passage," "IBS Rock Portage," "Log PT," "Surf Conditioning," "Surf Observation," "Lifesaving," and "Hell Week." Enclosure (B) pertains. This document outlines the instruction of the different courses, enabling objectives, requirements for completion, timeline, and student to instructor ratio. [redacted] provided the Evolution Brief Sheet for Lifesaving as he assumed since it was a "hands-on" evolution, it could contain information pertaining to acceptable and unacceptable physical actions. Enclosure (C) pertains. Upon subsequent review of the Lifesaving Evolution Brief Sheet, RA noted there was no information about the hands-on regulations contained therein.

9. The interview concluded with [redacted] stating he would continue to look for any documentation with the "adverse" definition or hands-on physical regulations. [redacted] would also try to find the aforementioned information as well and pass it to RA if it is located.

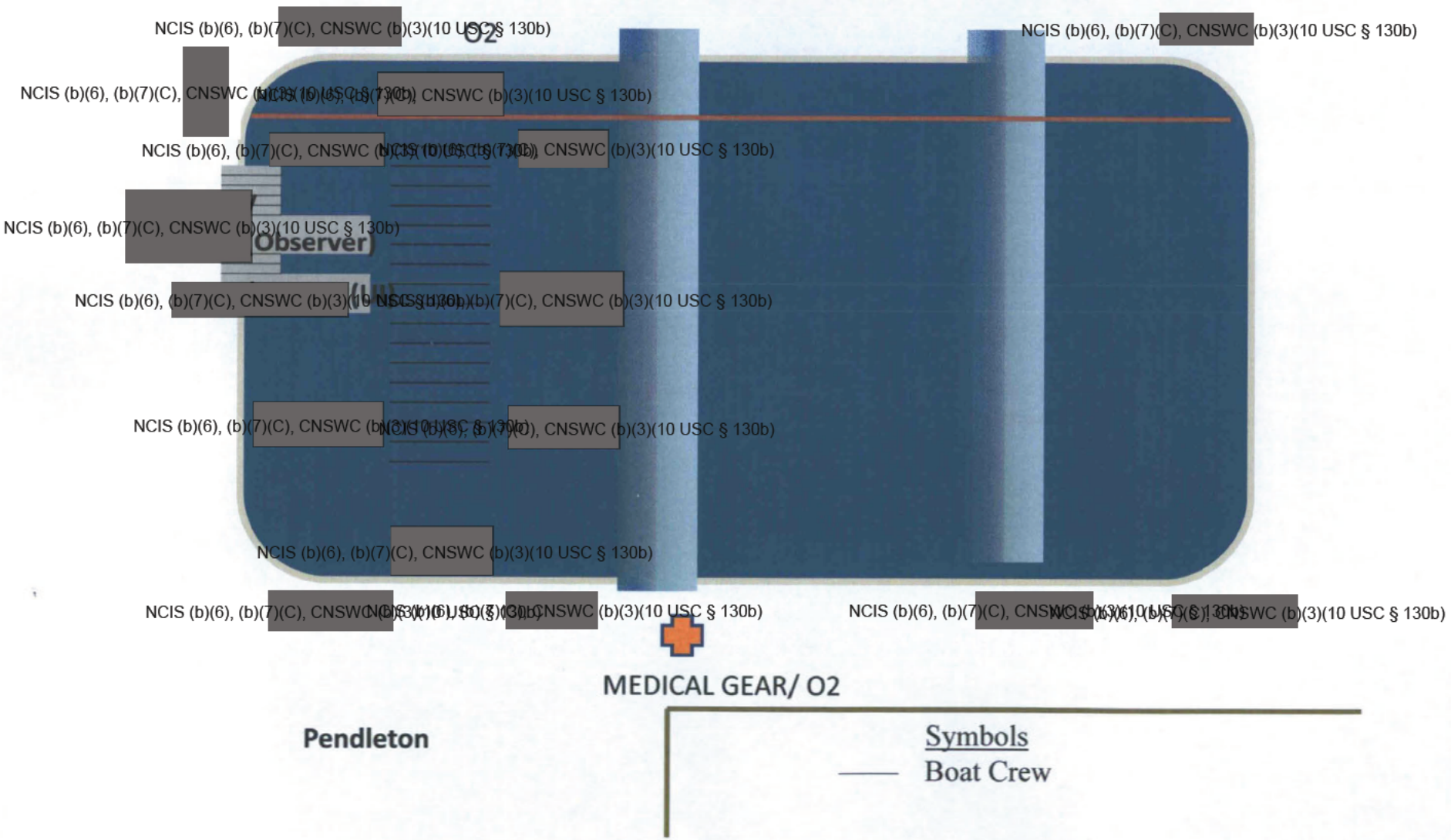
ENCLOSURE(S)
(A) CTT DIAGRAM DRAWN BY [redacted] UNDATED
(B) TRAINING COURSE CONTROL DOCUMENT FOR BUD/S BASIC ORIENTATION, 1ST PHASE THROUGH HELL WEEK/AUG11
(C) EVOLUTION BRIEF SHEET LIFESAVING/UNDATED

REPORTED BY: [redacted] Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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ENCLOSURE (A)

06MAY2016



000178

Created after - unsure of date.

Pages 179 through 229 redacted for the following reasons:
- -
Enclosures (B - C) to Exhibit (91): Referred to Naval Special Warfare Command

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 01AUG16

CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RECEIPT AND REVIEW OF NSW BTC BUD/S CURRICULUM DOCUMENTS

1. On 08JUN16, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b), Training Officer, Naval Special Warfare (NSW), Basic Training Center (BTC), Naval Amphibious Base (NAB) Coronado, provided Reporting Agent (RA) with seven curriculum documents from the NSW Basic Underwater Demolition/SEa Air Land (SEAL)(BUD/S) training. These documents were: Administration Guide, Lesson Plan, Training Course Control Document, Combat Swimmer Orientation (CSO), Course Master Schedule, Course Training Task List, and Training Project Plan. Enclosures (A)-(E) pertain. The purpose of the initial request for documents was to determine the origin of the safety rules and to identify the origin of "adverse" as is used in the pre-evolution brief for CSO.

2. The Administration Guide included the safety requirements for the evolutions, the Training Time Out (TTO) procedures, Hell Week student removal procedures, Drop on Request procedures, and student to instructor ratio requirements. The document is dated JUN16 with the previous date noted as AUG11. The Lesson Plan pertained to the BUD/S Basic Orientation 1st Phase through Hell Week. It contained the enabling objectives and descriptions of the courses; however, there is no mention of the CSO specifically as it is also considered an Aquatic Skill. The date of the Lesson Plan is JUN16 with the previous date noted as AUG11. The Training Course Control Document covered the information for the following courses: "Drown Proofing," "Underwater Knot Tying," "50 Meter Underwater Swim," "Inflatable Boat Small (IBS)," "IBS Surf Passage," "IBS Rock Portage," "Log PT," "Surf Conditioning," "Surf Observation," "Lifesaving," and "Hell Week." This document was provided previously and identified in separate reporting. The CSO Aquatic Skills document has also been provided and was memorialized in previous reporting. The Course Master Schedule was a summary of the BUD/S 1st Phase through Hell Week schedule and contained student to instructor ratios. The Course Training Task List contained the list of all the courses during the BUD/S 1st Phase Basic Orientation through Hell Week, the duty/task of each course, and the level of the respective course. The Training Project Plan contained a breakdown of the resources, cost of the supplies, cost of equipment, and cost of travel associated with the program as well as the manpower required. The date of the documents contained a letter explaining updates to the previous document which was dated NOV09.

ENCLOSURE(S)
(A) ADMINISTRATOR'S GUIDE/JUN16
(B) LESSON PLAN/JUN16

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EXHIBIT (92)

(C) COURSE MASTER SCHEDULE/30AUG11
(D) COURSE TRAINING TASK LIST/UNDATED
(E) TRAINING PROJECT PLAN/04JAN10

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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Pages 232 through 499 redacted for the following reasons:
- -
Enclosures (A - E) to Exhibit (92): Referred to Naval Special Warfare Command

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 26JUL16

CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C) CIV

1. As background, on 06May16, SN James Derek LOVELACE (V/LOVELACE), USN, passed away after having complications during a Combat Swimming Exercise at Naval Amphibious Base (NAB) Coronado, CA, as part of the Basic Underwater Demolition School (BUDS).

2. On 26Jul16, Reporting Agent (RA) interviewed NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C), CIV, at her residence located at NCIS (b)(6), (b)(7)(C) stated she had known V/LOVELACE since middle school and they started dating in the eighth grade. NCIS (b)(6), (b)(7)(C) stated they dated through high school and took a break her sophomore year of college, but remained friends. NCIS (b)(6), (b)(7)(C) stated the NCIS (b)(6), (b)(7)(C) brought them close again and they remained a couple until his passing on 06May16.

3. NCIS (b)(6), (b)(7)(C) stated V/LOVELACE did not disclose his intentions to join the Navy until after he hurt NCIS (b)(6), (b)(7)(C) playing baseball at Faulkner State. NCIS (b)(6), (b)(7)(C) stated he returned to Crestview to live with NCIS (b)(6), (b)(7)(C) after his injury and she believed he was eager to get out of the house. NCIS (b)(6), (b)(7)(C) stated V/LOVELACE's driving force was the ad NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) being in the Air Force and serving time in Iraq. NCIS (b)(6), (b)(7)(C) stated after his injury healed all he did was workout. NCIS (b)(6), (b)(7)(C) stated he was "dedicated", "competitive", "focused", and "organized" when involved with exercising and extracurricular activities. NCIS (b)(6), (b)(7)(C) stated V/LOVELACE was a "strong swimmer" and "super fit". NCIS (b)(6), (b)(7)(C) stated V/LOVELACE trained hard to be a SEAL and experienced numerous administrative delays while processing. NCIS (b)(6), (b)(7)(C) stated there was a time when they believed his Navy career might never happen, but V/LOVELACE kept working.

4. NCIS (b)(6), (b)(7)(C) stated V/LOVELACE was not taking any prescription drugs, was healthy throughout training, and only complained of NCIS (b)(6), (b)(7)(C) stated V/LOVELACE visited medical while in training for NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) but he never stated what the nurse had prescribed as relief. NCIS (b)(6), (b)(7)(C) stated she did not know if NCIS (b)(6), (b)(7)(C) as prescribed to V/LOVELACE during training. NCIS (b)(6), (b)(7)(C) referenced NCIS (b)(6), (b)(7)(C) another time during the course of the interview stating she had read the coroner's report and was confused by mention of V/LOVELACE taking NCIS (b)(6), (b)(7)(C) as he had never been diagnosed nor suffered from the condition.

5. NCIS (b)(6), (b)(7)(C) stated V/LOVELACE was embracing the challenge of his training experience and often wrote letters home expressing such. RA was

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EXHIBIT (93)

able to read these letters and with the permission of NCIS (b)(6), (b)(7)(C) took take them to a local packaging store to make color copies. NCIS (b)(6), (b)(7)(C) would not grant RA permission to take them back to NCISRA Pensacola as she stated she reads them often and they comfort her. The letters spoke of V/LOVELACE's daily activities, love of the pool, and how he was "a stud" and "killing it" compared to the other candidates; Enclosure (A) pertains.

6. NCIS (b)(6), (b)(7)(C) stated V/LOVELACE never sent text messages, emails, or any other form of electronic communications regarding his instructors, training, or fellow classmates. NCIS (b)(6), (b)(7)(C) stated V/LOVELACE was focused on staying under the radar. NCIS (b)(6), (b)(7)(C) stated when they did speak V/LOVELACE would have positive remarks regarding the instructors and training. NCIS (b)(6), (b)(7)(C) stated their last phone call was on 05May16 and V/LOVELACE was in good spirits. NCIS (b)(6), (b)(7)(C) stated she did have a text thread in regards to V/LOVELACE mentioning not feeling well due NCIS (b)(6), (b)(7)(C) but deleted it sometime ago. NCIS (b)(6), (b)(7)(C) stated V/LOVELACE taught her to delete messages after receiving and therefore had little saved messages from V/LOVELACE left in her cellular phone. NCIS (b)(6), (b)(7)(C) stated her last text exchange with V/LOVELACE was on 05May16 and consisted of them stating "I miss you" followed by a picture of V/LOVELACE in the sand. NCIS (b)(6), (b)(7)(C) stated their banter continued until 06May16 with her being the last to send a message. RA was able to listen to the saved voicemails on NCIS (b)(6), (b)(7)(C) phone with none providing any information of evidentiary value. NCIS (b)(6), (b)(7)(C) stated her and V/LOVELACE deleted all social media profiles prior to his entry into the Navy, however, NCIS (b)(6), (b)(7)(C) stated she created a new Facebook profile and V/LOVELACE generated an Instagram account a few weeks after moving to San Diego.

7. NCIS (b)(6), (b)(7)(C) stated she disagreed with the coroner's report in regards to their assessment of V/LOVELACE's swimming abilities. NCIS (b)(6), (b)(7)(C) stated V/LOVELACE was a good swimmer, but knew he wasn't strong at every technique and was working hard to be better. NCIS (b)(6), (b)(7)(C) stated he was doing extremely well and was living his dream. NCIS (b)(6), (b)(7)(C) stated the only time she ever saw V/LOVELACE weak was when NCIS (b)(6), (b)(7)(C) In regards to the recent media campaign launched in V/LOVELACE's name, NCIS (b)(6), (b)(7)(C) stated she was embarrassed and ashamed she initially took part in it. NCIS (b)(6), (b)(7)(C) stated she did several interviews and even donned a weight vest similar to the one V/LOVELACE wore in the water. NCIS (b)(6), (b)(7)(C) stated V/LOVELACE hated NCIS (b)(6), (b)(7)(C) and V/LOVELACE would be embarrassed if he saw it. NCIS (b)(6), (b)(7)(C) stated NCIS (b)(6), (b)(7)(C) is "out of control" and the only one who could contain her episodes was NCIS (b)(6), (b)(7)(C) stated she has separated herself from the campaign and trusts the Navy will do the right thing in regards to the investigation. NCIS (b)(6), (b)(7)(C) stated she will continue to be cooperative and provide NCIS with any information in support of the investigation.

ENCLOSURE(S)
(A) SIX (6) PHOTOCOPIED HANDWRITTEN LETTERS SENT FROM V/LOVELACE TO NCIS (b)(6), (b)(7)(C) 26JUL16

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REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY PENSACOLA

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Pages 503 through 513 redacted for the following reasons:
- -
Enclosure (A) to Exhibit (93): NCIS (b)(6), (b)(7)(C), Withheld

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 01AUG16

CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

COLLECTION AND SUBMISSION OF FINGERPRINTS AND DNA

1. On 27Jul16, in conjunction with captioned investigation, Reporting Investigator (RI) obtained fingerprints and mug shot photographs and collected a Deoxyribonucleic Acid (DNA) sample from [redacted] for entry into the FBI National Crime Information Center (NCIC) and the Combined DNA Index System (CODIS).

2. [redacted] fingerprints and photographs were obtained via LiveScan transaction number SWND0000001313. A sample of his DNA was obtained utilizing the U.S. Army Criminal Investigation Laboratory (USACIL) DNA Database Collection Kit Number 0055042. Enclosure (A) contains [redacted] was provided a copy of the Privacy Act Statement for DNA Sampling and the gold "Notification Card."

3. On 01Aug16, these items were submitted to NCIC and USACIL after probable cause was determined by CDR [redacted], USN, Senior Trial Counsel, Region Legal Service Office (RLSO) Southwest. [redacted] fingerprints and photographs were electronically submitted via Livescan and the DNA Kit was mailed to USACIL.

ENCLOSURE(S)
(A) USACIL DNA DATABASE COLLECTION CARD FOR [redacted] 27JUL16

REPORTED BY: [redacted] Investigator
OFFICE: RESIDENT AGENCY SAN DIEGO

[redacted]

[redacted]

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EXHIBIT (94)

Page 515 redacted for the following reason:
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Enclosure (A) to Exhibit (94): NCIS (b)(6), (b)(7)(C), Withheld

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 01AUG16

CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF OMPF REVIEW FOR NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 01Aug16, Reporting Agent reviewed the Official Military Personnel File (OMPF) of NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) the US Navy in Phoenix, AZ on NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) most recent Individual Trait average was listed as a 3.71. The rating official described as a "Proven Operator New Instructor Making an Immediate Impact [illegible] 18 off-duty hours to assist 150 SEAL candidates with overcoming challenging aquatic skills..." Other awards include the National Defense Service Medal.

2. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) SGLV, and has one NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) listed as sole beneficiary. No other information pertinent to this investigation was contained in his personnel file.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

NCIS (b)(6), (b)(7)(C)

NCIS (b)(6), (b)(7)(C)

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EXHIBIT (95)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 26MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF DATABASE INDICES QUERIES FOR NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. Criminal indices records checks were conducted for NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) in the following databases: National Crime Information Center (NCIC), Defense Central Index of Investigations (DCII), Consolidated Law Enforcement Operations Center (CLEOC), Department of Defense Law Enforcement Data Exchange (D-DEX), NCIS Knowledge Network (K-NET), and Joint Personnel Adjudication System (JPAS). No derogatory information was identified. Per JPAS, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) has a SECRET clearance.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

NCIS (b)(6), (b)(7)(C)

NCIS (b)(6), (b)(7)(C)

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EXHIBIT (96)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 27JUL16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/SEPF/RESIDENT AGENCY PENSACOLA, NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)
(A) NCISRA SAN DIEGO CA ROI (ACTION)/21JUL16
(B) NCISRA PENSACOLA FL ROI (ACTION)/25JUL16

EXHIBIT(S)
(1) IA: RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C) CIV

NARRATIVE
1. In accordance with Reference (A) and subsequent to Reference (B), an interview of NCIS (b)(6), (b)(7)(C), CIV, was conducted at her residence located at NCIS (b)(6), (b)(7)(C)

2. On 26Jul16, Reporting Agent (RA) visited the residence of NCIS (b)(6), (b)(7)(C) to obtain information in regards to her communications with V/LOVELACE prior to his passing and to gather pertinent relationship history; Exhibit (1) pertains.

3. Lead tasking for SEPF is complete.

DISTRIBUTION
NCISHQ:0023 (E)
INFO :SEFO (E)/SWFO (E)/SWND (E)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 25JUL16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)KFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/SEPF/RESIDENT AGENCY PENSACOLA/ NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)
(A) NCISRA SAN DIEGO CA ROI (ACTION)/21JUL16

NARRATIVE
1. Lead tasking for SEPF requested in Reference (A) is acknowledged. Estimated date of completion is 04Aug16.

DISTRIBUTION
NCISHQ:0023 (E)
INFO :SEFO (E)/SWFO (E)/SWND (E)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 22JUL16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/2GTQ/OFFICE OF TECHNICAL SERVICES HEADQUARTERS NCIS (b)(6), (b)(7)(C)
NCIS (b)(6), (b)(7)(C) SUPERVISORY SPECIAL AGENT

REFERENCE(S)
(A) NCISRA San Diego, CA ROI (ACTION)/21JUL16

EXHIBIT(S)
(1) IA: Results of Technical Investigative Support

NARRATIVE
1. In anticipation of lead tasking in Reference (A), Reporting Agent photographed the outdoor training pool on the Naval Amphibious Base Coronado at the request of the Case Agent, exhibit (1) pertains. This completes lead tasking.

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INFO :SWFO/SWND

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 21JUL16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO, NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

NARRATIVE

1. On 06MAY16, V/LOVELACE passed away after having complications during a Combat Swimming exercise at Naval Amphibious Base (NAB) Coronado, CA as part of Basic Underwater Demolition School (BUDS). This investigation has been designated Director's Special Interest. Contact Case Agent at any time for any questions or issues regarding this lead.

ACTION

R.2GTQ: Please provide technical investigative support as per discussions with Case Agent.

DISTRIBUTION

NCISHQ:0023

ACTION:2GTQ

INFO :SWFO/SWND

NCIS (b)(6), (b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 21JUL16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

NARRATIVE

1. On 06MAY16, V/LOVELACE passed away after having complications during a Combat Swimming exercise at Naval Amphibious Base (NAB) Coronado, CA as part of Basic Underwater Demolition School (BUDS). As part of the investigation, please interview NCIS (b)(6), (b)(7)(C) noted in lead tasking. This investigation has been designated Director's Special Interest. Contact Case Agent at any time for any questions or issues regarding this lead.

ACTION

R.SEPF: ATTN: SA NCIS (b)(6), (b)(7)(C) Please contact and interview NCIS (b)(6), (b)(7)(C) CIV, NCIS (b)(6), (b)(7)(C) Determine the last time she had contact with V/LOVELACE and what he disclosed about his BUD/S training. Determine what she knew about his health and if she has information about his prescription drug history (specifically NCIS (b)(6), (b)(7)(C) Determine if she still has any of their text messages, voice messages, email or other online communications and request to see them. Determine if any of these communications have evidential value (discussions of medical issues, discussions about BUD/S training, mentioning of instructors at BUD/S, etc). Obtain a PASS for the search of her phone/email/social media outlets that may have items of value for the investigation. Document the interview in an IA.

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NCISHQ:0023
ACTION:SEPF
INFO :SEFO/SWFO/SWND

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 19JUL16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/CBPW/PACIFIC CYBER OPERATIONS NCIS (b)(6), (b)(7)(C) REPRESENTATIVE

REFERENCE(S)
(A) NCISRA SAN DIEGO CA ROI (INTERIM)/31MAY16
(B) NCIS CYBER OPERATIONS SAN DIEGO CA ROI (ACTION)/20JUN16

EXHIBIT(S)
(1) IA: RESULTS OF CYBER FORENSIC EXAMINATION/19JUL16
(2) IA: RESULTS OF SOCIAL MEDIA RESEARCH FOR V/LOVELACE/20JUL16

NARRATIVE
1. In accordance with lead tasking set forth in Reference (A), on 09JUN16, Reporting Investigative Computer Specialist completed the acquisition of V/LOVELACE's personal iPhone. Exhibit (1) pertains.

2. From 15JUN16 to 29JUN16, NCIS (b)(6), (b)(7)(C) Intelligence Specialist, NCIS Cyber Operations San Diego, CA, completed a profile review of social media for V/LOVELACE, and no item of evidentiary value was identified. Exhibit (2) pertains.

3. Lead tasking has been completed.

PARTICIPANTS
NCIS (b)(6), (b)(7)(C) REPRESENTATIVE, PACIFIC CYBER OPERATIONS

DISTRIBUTION
NCISHQ:0022/23B1/023B
INFO :CBPW/SWND/SWFO/002P/002G/CBFO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 19JUL16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

COMMAND/NSW BTC/46462

MADE AT/CBPW/PACIFIC CYBER OPERATIONS NCIS (b)(6), (b)(7)(C) REPRESENTATIVE

REFERENCE(S)
(A) NCISRA SAN DIEGO CA ROI (OPEN)/16MAY16
(B) NCIS CYBER OPERATIONS SAN DIEGO CA ROI (ACTION)/20MAY16
(C) NCIS CYBER OPERATIONS SAN DIEGO CA ROI (ACTION)/17JUN16

NARRATIVE
1. Cyber support to lead tasking set forth in Reference (A) is pending final report from the San Diego Regional Computer Forensics Laboratory. This tasking requires processing and examination by a certified forensic video specialist. Estimated date of completion is 26AUG16. References (B) and(C) acknowledged the receipt of lead tasking and provided a status update.

PARTICIPANTS
NCIS (b)(6), (b)(7)(C) REPRESENTATIVE, NCIS CYBER FIELD OFFICE

DISTRIBUTION
NCISHQ:0022 (ATTN: S NCIS (b)(6), (b)(7)(C) 23B/23B1/CBFO
INFO :CBPW/SWND/002P/002G/SWFO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CHANGE) 07JUL16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN
M/W/(b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)/FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO/ NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)
(A) NCISRA SAN DIEGO CA ROI (OPEN)/16MAY16

NARRATIVE
1. Subsequent to the submission of Reference (A), [redacted] was identified as a subject in this investigation. The title of this investigation has been changed as noted in the title block.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

ACTION
023B: Title of investigation has been changed to reflect the subject(s) of this investigation. Please make any necessary changes to the DCII entry.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

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NCISHQ:0023
ACTION:023B
INFO :002P/SWFO/SWND

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b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 06JUL16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

V/LOVELACE, JAMES DEREK/SN USN

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/2GTG/TECHNICAL SERVICES DETACHMENT NORTHWEST/ NCIS (b)(6), (b)(7)(C)
INVESTIGATOR

REFERENCE(S)
(A) NCISRA SAN DIEGO, CA ROI (ACTION)/18MAY16

EXHIBIT(S)
(1) IA: RESULTS OF VIDEO CLARIFICATION SUPPORT

NARRATIVE
1. In response to lead tasking contained in Reference (A), video clarification support was provided (Exhibit (1) Pertains). The support consisted of the clarification of digital video files provided in Reference (A). Lead tasking remains open for possible future support.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM) 30JUN16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)
(A) NCISRA SAN DIEGO CA ROI (INTERIM)(CONTAINS EXHIBITS 1-55)/31MAY16

EXHIBIT(S)
(56) IA: PHOTOGRAPHS OF GREEN SWIM COACH LOG BOOK ENTRY PERTAINING TO V/LOVELACE/31MAY16
(57) IA: RECEIPT OF DOCUMENTS FROM NAVAL SPECIAL WARFARE PREPARATORY SCHOOL/31MAY16
(58) IA: RESULTS OF SCREENING INTERVIEWS OF NAVAL SPECIAL WARFARE PREPARATORY SCHOOL COMMAND STAFF/31MAY16
(59) IA: RESULTS OF INTERVIEWS OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
(60) IA: RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN/31MAY16
(61) IA: RESULTS OF INTERVIEW OF
(62) IA: RESULTS OF INTERVIEW OF
(63) IA: RESULTS OF INTERVIEW OF
(64) IA: RESULTS OF INTERVIEW OF
(65) IA: RESULTS OF INTERVIEW OF
(66) IA: RESULTS OF INTERVIEW OF
NCIS (b)(6), (b)(7)(C)
(67) IA: RECEIPT OF BUD/S PHASE 1 TRAINING SCHEDULE/01JUN16
(68) IA: RECEIPT OF FEDERAL FIRE RESPONSE REPORT/03JUN16
(69) IA: RECEIPT OF V/LOVELACE'S PERSONNEL, MEDICAL AND PSYCHOLOGICAL RECORDS FROM NSW BTC/03JUN16
(70) IA: RECEIPT OF CITY OF CORONADO FIRE DEPARTMENT FIRE INCIDENT REPORT FOR 06MAY16/06JUN16
(71) IA: RESULTS OF MEETING WITH NCIS (b)(6), (b)(7)(C) CIV/08JUN16
(72) IA: REQUEST AND RECEIPT OF SCRIPPS MERCY HOSPITAL MICN RUN SHEET AND AUDIO RECORDING OF RADIO CALL FOR V/LOVELACE EMS TRANSPORT/10JUN16
(73) IA: RESULTS OF INTERVIEW OF
(74) IA: RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
(75) IA: RESULTS OF INTERVIEW OF
USN/15JUN16
(76) IA: RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN/17JUN16
(77) IA: RECEIPT AND REVIEW OF V/LOVELACE'S PRE-HOSPITAL EMS REPORT FROM CITY OF CORONADO/15JUN16
(78) IA: RESULTS OF INTERVIEW WITH INSTRUCTOR QUALIFICATION

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COURSE TRAINERS/15JUN16
(79) IA: RESULTS OF MEETING WITH NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) CONSTRUCTION SYSTEM SPECIALIST, AND SEAL INSTRUCTOR NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) CIV/15JUN16
(80) IA: RECEIPT OF MEDICAL RECORDS FOR NCIS (b)(6), (b)(7)(C) CIV/16JUN16
(81) IA: REVIEW OF MEDICAL EXAMINER REPORTS FOR NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) 22JUN16
(82) IA: SUMMARY OF INVESTIGATION FOR COUNTY OF SAN DIEGO OFFICE OF THE MEDICAL EXAMINER/27JUN16
(83) IA: RESULTS OF INTERVIEW WITH NCIS (b)(6), (b)(7)(C) MD, USN/24JUN16

EXECUTIVE SUMMARY

1. On 06MAY16 at 1412, NCISRA San Diego, CA was notified via Commander Navy Region Southwest (CNRSW) dispatch that V/LOVELACE, a student training to become a SEa Air Land (SEAL) operator, was transported to Sharp Coronado Hospital, Coronado, CA, from building 164 (pool) aboard Naval Amphibious Base (NAB), Coronado, CA, as he was unconscious and it was uncertain if he was breathing. At approximately 1600, NCIS contacted Sharp Coronado Hospital and was informed V/LOVELACE was pronounced dead at 1436 at the hospital. NCIS (b)(6), (b)(7)(C) NCIS forensic Consultant, was notified of V/LOVELACE's death. Members of the NCISRA San Diego, CA, Major Case Response Team (MCRT) responded to building 164 and Sharp Coronado Hospital to document the scene and V/LOVELACE's body. Interviews of Naval Special Warfare (NSW) Basic Training Center (BTC) instructors and students from V/LOVELACE's class have been conducted and it was determined V/LOVELACE was observed to be struggling with keeping his head above the water, his face was red/purple, and an instructor was seen dunking his head under water during the training evolution. On 07MAY16, an autopsy of V/LOVELACE's body was conducted at the San Diego County Medical Examiner's office with NCIS representatives present. On 09MAY16, a documentation and search of V/LOVELACE's barracks room was completed and his personal cell phone was seized and placed into evidence. Video recorded footage of the pool training has been captured and is undergoing forensic analysis and review. Pertinent Basic Underwater Demolition/SEAL (BUD/S) training records and documents have been received and reviewed by NCIS. Commanding Officers at NSW BTC have been briefed on the status of the investigation.

NARRATIVE

1. This investigation was initiated on 06MAY16 upon notification of the death of V/LOVELACE. A determination of any applicable criminal statutes has not been made.

2. On 25MAY16 and 31MAY16, NCIS met with staff from the Naval Special Warfare Preparatory School (NSWPS), Training Support Center, Naval Station Great Lakes, Great Lakes, IL. The staff participated in interviews regarding their recollections of V/LOVELACE while he was at the NSWPS and provided records pertaining to him. Exhibits (56) - (66) pertain.

3. On 01JUN16, NSW BTC provided NCIS with the BUD/s Phase 1 training schedule. The schedule consists of three weeks of basic orientation and seven weeks of actual Phase 1 training. Exhibit (67) pertains.

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4. On 02JUN16, Emergency Medical Services (EMS), CNRSW, provided NCIS with a copy of the Federal Fire response report, incident number 16050600087, for 06MAY16. The report contains the responding EMS paramedics narrative and documentation of their response to V/LOVELACE at the Combat Training Tank (CTT) aboard NAB Coronado. Exhibit (68) pertains.

5. On 02JUN16, NSW BTC provided NCIS with the NSW BTC personnel file, psychological assessment, and medical records for V/LOVELACE. Exhibit (69) pertains.

6. On 06JUN16, NCIS received the City of Coronado Fire Department Fire Incident report # 16-0052830. Due to the EMS, CNRSW, NAB Coronado ambulance's response to a previous call-out, the City of Coronado Fire Department's ambulance responded to the call for assistance for V/LOVELACE. Exhibit (70) pertains.

7. On 07JUN16, NCIS (b)(6), (b)(7)(C) provided signed letters authorizing NCIS to receive the City of Coronado ambulance run sheet, pre-hospital EMS report, and the audio recording of the ambulance communication to the base hospital. Exhibit (71) pertains. On 10JUN16, NCIS received the ambulance run sheet report and audio recording mentioned supra. Exhibit (72) pertains.

8. On 08JUN16, NCIS interviewed NCIS (b)(6), (b)(7)(C) communicated often with V/LOVELACE via text message or phone calls as they were very close knit with one another. NCIS (b)(6), (b)(7)(C) voluntarily provided screenshots of communications from her phone to NCIS as well as names of people with whom V/LOVELACE was close. Exhibit (73) pertains.

9. On 14JUN16, NCIS interviewed three former BUD/S class 319 students who dropped on request (DOR) on 06MAY16, the day V/LOVELACE died. Two of the former students stated they saw NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN, BUD/S Phase 1 Training Instructor, dunking V/LOVELACE underwater during the Combat Swimming Orientation (CSO) evolution on 06MAY16. Exhibits (74) - (76) pertain.

10. On 15JUN16, NCIS received the City of Coronado pre-hospital EMS report for V/LOVELACE's transport to Sharp Coronado Hospital on 06MAY16. Exhibit (77) pertains.

11. On 15JUN16, Reporting Agent (RA) met with the NSW Center (CEN), NAB Coronado, Instructor Qualification Course NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) other information and documentation on how NSW instructors are trained to conduct themselves with the students. Specifically the knowledge sought was whether or not there were any directives or instructions on if instructors were allowed to have physical contact with students during BUD/S training, particularly the CSO evolution. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) they do not provide training on how the instructors carry out each individual training evolution, rather they teach the instructors how to brief and teach the students. Exhibit (78) pertains.

12. On 15JUN16, following the interview with NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) escorted RA to meet with individuals in the training department for the NSW BTC. RA met NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Information Systems Specialist, NSW BTC,

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NAB Coronado and SEAL Instructor Training Pipeline, NSW BTC, NAB Coronado, provided RA with a copy of NSWBASICTRACOM Instruction 1500.2A, "Instructor Performance and Remediation Guidance for SEAL and SWCC Basic Pipeline Training." The manual states, "Physical contact with students is permitted in the following circumstances: When a student's or staff member's safety is at risk. When required in the course of an approved training, e.g. lifesaving, in accordance with curriculum." Exhibit (79) pertains.

NCIS (b)(6), (b)(7)(C)

14. On 23JUN16, doctors from the County of San Diego Medical Examiner's office requested a specific summary of the investigation to date. Exhibit (82) pertains.

15. On 24JUN16, RA [redacted] NSW CEN, NAB Coronado, to inquire about a deleted/amended entry in V/LOVELACE's medical record on [redacted] medical record in the online Electronic Health Record and provided RA with documentation that showed he erroneously put another patient's treatment information in V/LOVELACE's record. When the error was discovered [redacted] initiated the amendment with a note identifying the error. Exhibit (83) pertains.

16. Investigation is pending completion of additional leads, interviews, and receipt of the final autopsy report and death certificate for V/LOVELACE. [redacted] Officer, NSW BTC, will be provided a copy of this report and a brief of the investigation to date. Investigation continues.

DISCLOSURE ACCOUNTING

17. A requested portion of this report will be provided to D[redacted] Deputy Medical Examiner, County of San Diego Office of the Medical Examiner, 5570 Overland Ave, Ste 101 MS O-10, San Diego, CA during the week of 05JUL16.

PARTICIPANTS

[redacted] RVISORY SPECIAL AGENT, RESIDENT AGENCY GREAT LAKES
CIAL AGENT, RESIDENT AGENCY PENSACOLA
INVESTIGATOR, RESIDENT AGENCY EARLE
STIGATOR, RESIDENT AGENCY GREAT LAKES
ECIAL AGENT, RESIDENT AGENCY PENSACOLA

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NCISHQ:023B — REG:764 152 475 US-05JUL16
INFO :SWND/002P/COUNTY OF SAN DIEGO OFFICE OF THE MEDICAL EXAMINER (DEPUTY MEDICAL EXAMINER, DR. [redacted] (H)/ 01JUL16
REGIONAL LEGAL SERVICES OFFICE, SOUTHWEST ([redacted] (H)/NSW BTC, NAB CORONADO, CA (CDR [redacted] COMMANDING OFFICER) (H)/SWFO

NCIS (b)(6), (b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 31MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

PHOTOGRAPHS OF GREEN SWIM COACH LOG BOOK ENTRY PERTAINING TO V/LOVELACE

1. On 25May16, Reporting Investigator (RI), met with Staff from Naval Special Warfare Preparatory School (NSWPS), located at Training Support Center, Naval Station Great Lakes, Great Lakes, IL. RI identified himself to staff by both stating his office and displaying his NCIS credentials. For background, On 06MAY16, V/LOVELACE passed away after having complications during a Combat Swimming exercise at Naval Amphibious Base (NAB) Coronado, CA as part of Basic Underwater Demolition School (BUDS). Interviews with classmates of V/LOVELACE state he had trouble with water treading training during Pre-Buds in Great Lakes, IL.

2. During the course of the initial contact with the NSWPS Staff, RI was advised of a green record book in which staff members would annotate if a student had done something which made them stand out during a specific evaluation. Students could do something which made them standout in an exceptional way or in a poor way.

3. According to the log book, on 22Mar16, V/LOVELACE was given a score of four (4) during a treading water incident. According to staff, a score of five (5) is the worst score possible and it is not uncommon for a student to get a score of four (4) in a water evolution.

4. Four (4) photographs were taken of the record book and the pages in which V/LOVELACE was noted. The photographs were placed in an NCIS photo template; Enclosure (A) pertains.

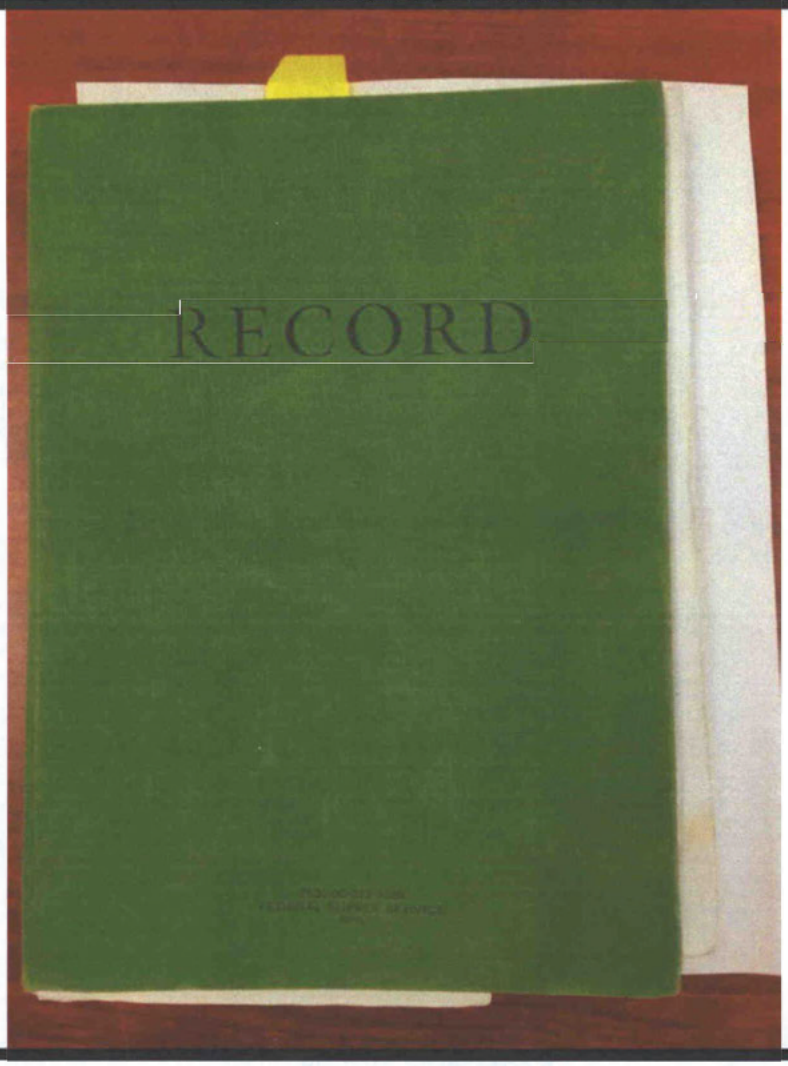
ENCLOSURE(S)
(A) NCIS Photo Template containing photographs of Green Log Book/31May2016

REPORTED BY: NCIS (b)(6), (b)(7)(C) Investigator
OFFICE: RESIDENT AGENCY GREAT LAKES

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EXHIBIT (56)

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM



1. OFFICE CODE: NEGL

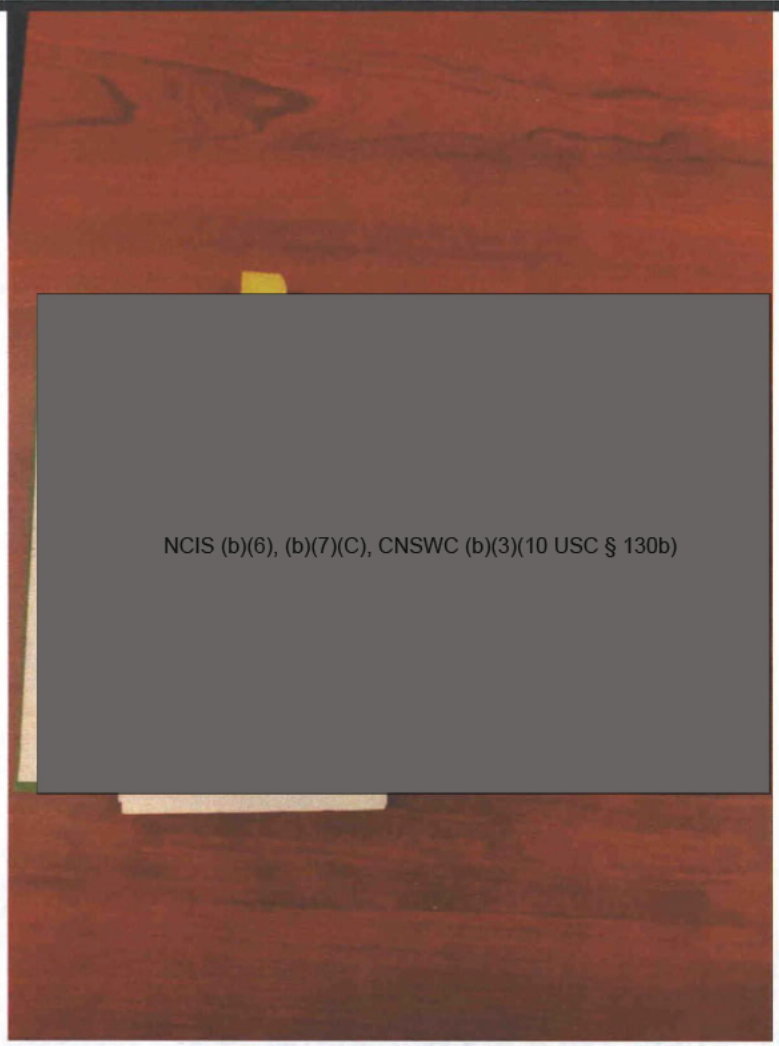
2. TITLE:	3. CCN:	4. AGENT'S NAME:
V/LOVELACE, JAMES DEREK/SN USN	06MAY16-SWND-0303-7HNA	NCIS (b)(6), (b)(7)(C) Investigator, NCIS

5. SUMMARY/DESCRIPTION:	6. PHOTOGRAPHER/ DATE PHOTO TAKEN:
This photograph depicts the exterior of the swim deck record book.	In NCIS (b)(6), (b)(7)(C) 25May16

NCIS 5580/91 (Rev 06-2010) PREVIOUS EDITIONS ARE OBSOLETE

PHOTOGRAPH (1) ENCLOSURE (A)

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM



1. OFFICE CODE: NEGL

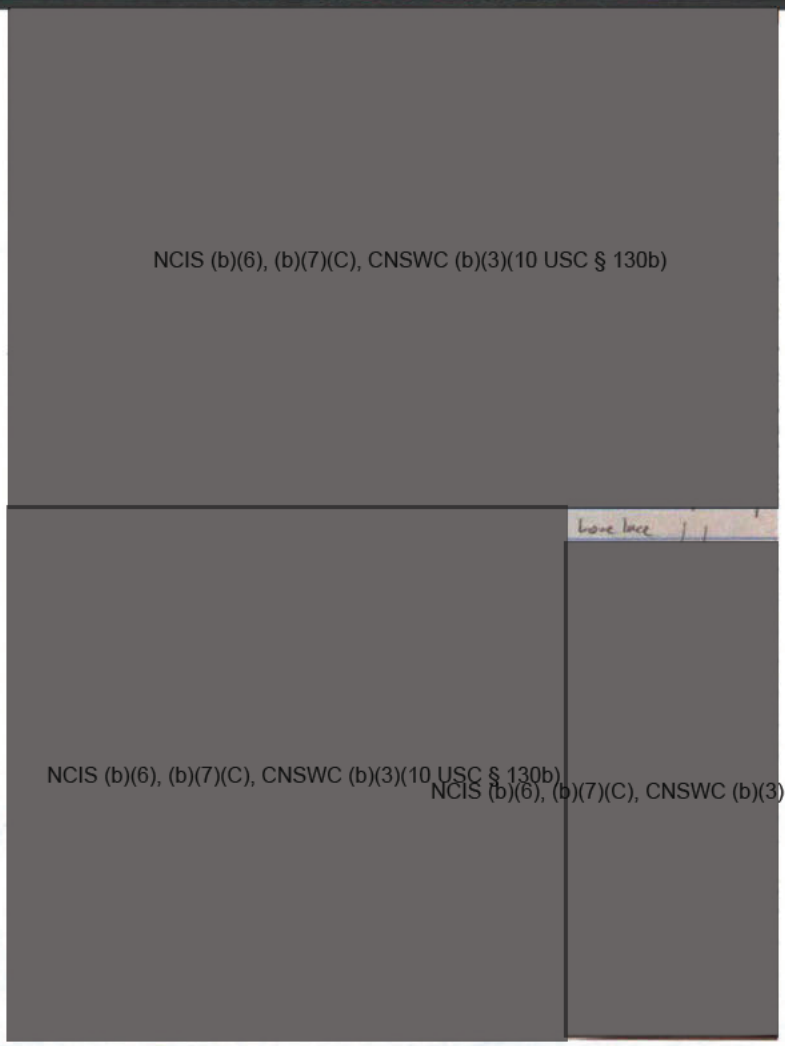
2. TITLE:	3. CCN:	4. AGENT'S NAME:
V/LOVELACE, JAMES DEREK/SN USN	06MAY16-SWND-0303-7HNA	NCIS (b)(6), (b)(7)(C) Investigator, NCIS

5. SUMMARY/DESCRIPTION:	6. PHOTOGRAPHER/ DATE PHOTO TAKEN:
This photograph depicts the interior pages of the swim deck record book in which V/LOVELACE has been logged for a water tread in which he scored a "4" on 3-22-16.	Inv NCIS (b)(6), (b)(7)(C) 25May16

NCIS 5580/91 (Rev 06-2010) PREVIOUS EDITIONS ARE OBSOLETE

PHOTOGRAPH (2) ENCLOSURE (A)

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM



1. OFFICE CODE: NEGL

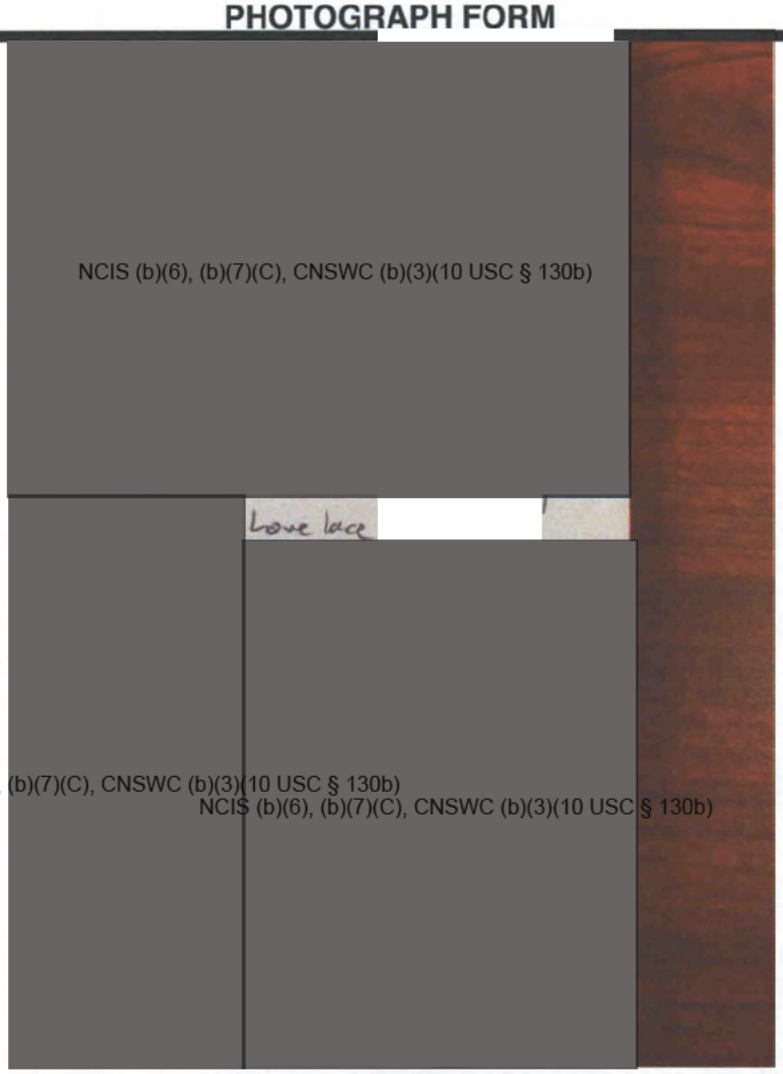
2. TITLE:	3. CCN:	4. AGENT'S NAME:
V/LOVELACE, JAMES DEREK/SN USN	06MAY16-SWND-0303-7HNA	NCIS (b)(6), (b)(7)(C) Investigator, NCIS

5. SUMMARY/DESCRIPTION:	6. PHOTOGRAPHER/ DATE PHOTO TAKEN:
This photograph depicts a view of the single page in which V/LOVELACE was entered into the swim deck record book for a poor water tread in which he scorded a "4" on 3-22-16.	Inv NCIS (b)(6), (b)(7)(C) 25May16

NCIS 5580/91 (Rev 06-2010) PREVIOUS EDITIONS ARE OBSOLETE

PHOTOGRAPH (3) ENCLOSURE (A)

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM



1. OFFICE CODE: NEGL

2. TITLE:	3. CCN:	4. AGENT'S NAME:
V/LOVELACE, JAMES DEREK/SN USN	06MAY16-SWND-0303-7HNA	NCIS (b)(6), (b)(7)(C) Investigator, NCIS

5. SUMMARY/DESCRIPTION:

This photograph depicts a close up view of the page in which V/LOVELACE was entered into the swim deck record book for a poor water tread in which he scorded a "4" on 3-22-16.

6. PHOTOGRAPHER/ DATE PHOTO TAKEN:
Inv NCIS (b)(6), (b)(7)(C)/
25May16

NCIS 5580/91 (Rev 06-2010) PREVIOUS EDITIONS ARE OBSOLETE

PHOTOGRAPH (4)

ENCLOSURE (A)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 31MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RECEIPT OF DOCUMENTS FROM NAVAL SPECIAL WARFARE PREPARATORY SCHOOL

1. On 25MAY16, Reporting Agent (RA) received the following documents from NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) pertaining to V/LOVELACE's training at the Naval Special Warfare Preparatory School (NSWPS), Great Lakes, IL. SOC NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) is the NSWPS Operations Chief.

a. Naval Special Warfare Preparatory School (NSWPS) Student Check-in Sheet filled out by V/LOVELACE for SEAL preparatory class #319 on 03FEB16 (4 pages); a copy is provided as Enclosure (A).

b. Training Support Center (TSC) Student Check-out Sheet filled out by V/LOVELACE upon completion of SEAL preparatory class, and Official Orders to Naval Special Warfare Command (NSWC), Coronado CA on 24MAR16 (9 pages); a copy is provided as Enclosure (B).

2. On 31MAY16, RA received the following documents from NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

a. Naval Special Warfare Preparatory School (NSWPS) Student Critique (6 pages). This document, completed by V/LOVELACE on 25MAR16 includes relevant commentary on the swim evolutions, and the effectiveness of the coaches; a copy is provided as Enclosure (C).

3. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated NSWPS students do not complete "bio sheets" or any other form with self-generated comments pertaining to their perceived strengths and weaknesses.

ENCLOSURE(S)
(A) V/LOVELACE Naval Special Warfare Preparatory School (NSWPS) Check-in Sheet/03FEB16
(B) V/LOVELACE Training Support Center Check-out Sheet and Official Orders/24MAR16
(C) V/LOVELACE Student Critique/25MAR16

REPORTED BY: NCIS (b)(6), (b)(7)(C) Supervisory Special Agent
OFFICE: RESIDENT AGENCY GREAT LAKES

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EXHIBIT (57)

Pages 537 through 555 redacted for the following reasons:
- -
Enclosures (A - C) to Exhibit (57): Referred to Naval Special Warfare Command

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 31MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF SCREENING INTERVIEWS OF NAVAL SPECIAL WARFARE PREPARATORY SCHOOL COMMAND STAFF

1. On 25MAY16 and 31MAY16, Reporting Agent (RA) and Participating Investigator (PI) NCIS (b)(6), (b)(7)(C) interviewed the following members of the Naval Special Warfare Preparatory School (NSWPS) command staff regarding V/LOVELACE.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Officer-in-Charge
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Assistant Officer-in-Charge
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Operations Chief
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Program Manager

2. They were helpful and provided all student records, coordinated access to the facility, and facilitated interviews of the staff in the furtherance of this investigation. Otherwise, the command staff had anything relevant to provide concerning V/LOVELACE.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Supervisory Special Agent
OFFICE: RESIDENT AGENCY GREAT LAKES

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EXHIBIT (58)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 25MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF INTERVIEW: NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 25MAY16, Reporting Agent (RA) and Participating Investigator NCIS (b)(6), (b)(7)(C) interviewed Mr. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) at the Naval Special Warfare Preparatory School (NSWPS), Great Lakes, IL regarding his knowledge of V/LOVELACE. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) is a U.S. Navy SEAL and the Lead Swim Instructor for NSWPS.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recalled V/LOVELACE and said he did not recall any serious incident or training problem with him. According to NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE was a "good candidate", and the only negative thing about him was that he had one bad day during a water-treading NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) referred to a green log book with handwritten swim coach's notes, and said the lead NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) for V/LOVELACE's tread on Tuesday, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) numerical score for aquatic exercises were as follows: "1" is excellent and "5" is a complete failure. RA asked NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) specifically, would result in a "4" rating during a tread NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) the weight (a 10 pound brick) at any point during the tread would result in a "4" NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) result in NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) to complete the exercise by panicking, touching the sides, or getting out of the pool. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) said it is not rare for students to drop the brick during water treading exercises, and this single entry on V/LOVELACE was not a particular concern.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) had any safety incidents, training time-out (TTO), or NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) not aware of anything of that nature. He said safety, particularly in the water, is of paramount concern, so any incident where there was a medical question would have been documented. No such documentation existed on V/LOVELACE, according to NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) emerging from an exercise on all fours and vomiting would be construed as a safety/medical NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) would absolutely have been documented, and V/LOVELACE would have been examined by NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE vomiting or being too exhausted to stand after any water exercise.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) said NSWPS swim exercises were done at the Recruit Training Center (RTC) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) about video recordings or a video monitoring system at the RTC swimming pool. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NSWPS does not videotape swims or pool evolutions, and he is unaware of any video recording system at the RTC pool.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) any further information to add. He is willing to be

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EXHIBIT (54)

re-contacted in the future, if necessary.

BIOGRAPHICAL DATA
DOB:
SSN:
ADD:
TEL:

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

REPORTED BY: NCIS (b)(6), (b)(7)(C) Supervisory Special Agent
OFFICE: RESIDENT AGENCY GREAT LAKES

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 31MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
N/A/FRANKFURT, GERMANY

RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN

1. On 31MAY16, Reporting Agent (RA) interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) at the Naval Special Warfare Preparatory School (NSWPS), Great Lakes, IL regarding his knowledge of V/LOVELACE. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) is a Lead Petty Officer at NSWPS.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) has liberty, leave, and student control issues at NSWPS. He said V/LOVELACE did not come to his attention with regard to those issues.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) remembers V/LOVELACE's name because it stuck in his mind, but with over 2,000 students passing through NSWPS during his tenure, he said he could not put a face to the name.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) is willing to be re-contacted in the future, if necessary.

BIOGRAPHICAL DATA
DOB:
SSN:
ADD: NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
TEL:

REPORTED BY: NCIS (b)(6), (b)(7)(C) Supervisory Special Agent
OFFICE: RESIDENT AGENCY GREAT LAKES

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EXHIBIT (60)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 31MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)/23MAY16/FRANKFURT, GERMANY

RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 31MAY16, Reporting Agent (RA) interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) the Naval Special Warfare Preparatory School (NSWPS), Great Lakes, IL regarding his knowledge of V/LOVELACE, a collegiate athlete and champion swimmer. He is a contracted civilian at NSWPS as a Swim Coach.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated V/LOVELACE started out as a below average swimmer and progressed well during the course. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) he usually gauges each student and tries to predict their success during "Hell Week" at BUDS NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE would be one to make it through NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) he though V/LOVELACE's overall athletic profile made him a very good candidate.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) said there was never any safety or medical issue with V/LOVELACE. He said NSWPS treats issues like swim failures very seriously. If V/LOVELACE had vomited after a swim exercise, it would have been noted, there would have been a medical exam, and even a training time out.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) tread day V/LOVELACE had NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) said he didn't remember the day, specifically. However, based on the NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) it must have been a brick drop. In order to score a "4" and not a "5", V/LOVELACE would have recovered the brick on his own and completed the exercise without exiting the pool.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) is willing to be re-contacted in the future, if necessary.

BIOGRAPHICAL DATA
DOB:
SSN:
ADD: NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
TEL:

REPORTED BY: NCIS (b)(6), (b)(7)(C) Supervisory Special Agent
OFFICE: RESIDENT AGENCY GREAT LAKES

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EXHIBIT (61)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 31MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 31MAY16, Reporting Agent (RA) interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) CIV at the Naval Special Warfare Preparatory School (NSWPS), Great Lakes, IL regarding his knowledge of V/LOVELACE, [redacted] collegiate athlete and champion swimmer. He is a contracted civilian at NSWPS as a Swim Coach.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he does not specifically remember V/LOVELACE, which, according to NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE was an average student, not a standout, who fit in with the rest of the crowd. Due to the volume of NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) does not remember each and every one who passes through the program.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he would have remembered an incident, such as a failure by getting out of the pool during an evolution, being exhausted to the point of being on all fours, lying prostrate on the pool deck, or vomiting after an NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) incident would have caused him to remember V/LOVELACE.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) requested to be re-contacted in the future, if necessary.

BIOGRAPHICAL DATA
DOB:
SSN:
ADD: NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
TEL:

REPORTED BY: NCIS (b)(6), (b)(7)(C) Supervisory Special Agent
OFFICE: RESIDENT AGENCY GREAT LAKES

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EXHIBIT (62)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 31MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

RESULTS OF INTERVIEW BY NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 31MAY16, Reporting Agent (RA) interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) the Naval Special Warfare Preparatory School (NSWPS), Great Lakes, IL regarding his knowledge of [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) collegiate athlete and champion swimmer. He is a contracted civilian at NSWPS and the Lead Swim Coach.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) described V/LOVELACE and described him as a "below average swimmer" upon arrival at NSWPS, who was assigned to the outside lanes during the 1000 meter swim test. For reference, the outside swim lanes are reserved for weaker swimmers for safety and instructional purposes, as it allows closer monitoring and instruction by [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) improved aquatically during his time at NSWPS and was an "average" swimmer at the conclusion of NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)'s 1000 meter combat swim times (with fins) were as follows:

19FEB16 (Week 1), 19:13
29FEB16 (Week 3), 18:16
28MAR16 (Week 7), 17:45

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) [illegible] final swim time of 17:45 was "as average as you get". While V/LOVELACE was not a standout swimmer, he wasn't terrible, either. He passed.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) had no medical incidents, and no safety issues during his wa[illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was ever an incident where V/LOVELACE came out of the pool exhausted and vomiting, as that would have required a SITREP and a medical evaluation. No such documentation was generated on V/LOVELACE [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

4. The only di[illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) training was on 22MAR16 during a water tread exercise. [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) exercise is a five minute water tread while holding a 10 pound brick. The student alternates holding the brick above his head with each arm, and cradling it in a "recovery [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE dropped the brick during the tread, but was able to recover the brick from the bottom of the pool and complete the tr[illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) tread as a "4", meaning he did not follow the instruction given and executed a "below average tread". For reference, a "1" is the best score, and a "5" is a failure.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) [illegible] green log book, where he keeps handwritten notes for

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EXHIBIT (63)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) contains two notes on V/LOVELACE. On NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE was a "hard worker" NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) said that is the best comment he typically gives students. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) noted V/LOVELACE received a "4" for the aforementioned water tread. Several other students were given a "4" during the same NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) with a NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) touched the pool wall without completing NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) a "4" on a single water exercise during the course of the entire 8 week program was not significant.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) may be re-contacted in the future, if necessary.

BIOGRAPHICAL DATA
DOB:
SSN:
ADD: NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
TEL:

REPORTED BY: NCIS (b)(6), (b)(7)(C) Supervisory Special Agent
OFFICE: RESIDENT AGENCY GREAT LAKES

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 31MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF INTERVIEW BY: NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 31May16, Reporting Investigator (RI), interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN. RI identified himself by both stating his office and displaying his NCIS credentials. For background, On 06MAY16, V/LOVELACE passed away after having complications during a Combat Swimming exercise at Naval Amphibious Base (NAB) Coronado, CA as part of Basic Underwater Demolition School (BUDS). Interviews with classmates of V/LOVELACE state he had trouble with water treading training during Pre-Buds in Great Lakes, IL.

2. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) advised he is the Training Officer for Naval Special Warfare Preparatory School (NSWPS), located at Naval Station Great Lakes, IL. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reviewed the records for V/LOVELACE and stated he did not recall any incidents which involved V/LOVELACE.

3. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) advised that if something would have happened on the deck of the pool, medical would have been notified and medical would have a record of such an incident. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated they have approximately 200 students come through NSWPS every eight (8) weeks and unless the students standout, either for a good or poor performance, he does not recall most of the students he deals with.

4. Reporting Investigator then terminated the interview, presented SOC NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) with contact information for RI, and advised NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) to contact RI if he recalls any further information which could assist in this investigation.

BIOGRAPHICAL DATA:
Name:
DOB:
SSN:
Phone: NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
Address:

REPORTED BY: NCIS (b)(6), (b)(7)(C) Investigator

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PAGE 1

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EXHIBIT (64)

OFFICE: RESIDENT AGENCY GREAT LAKES

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 31MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 31May16, Reporting Investigator (RI), interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) CIV. RI identified himself by both stating his office and displaying his NCIS credentials. For background, On 06MAY16, V/LOVELACE passed away after having complications during a Combat Swimming exercise at Naval Amphibious Base (NAB) Coronado, CA as part of Basic Underwater Demolition School (BUDS). Interviews with classmates of V/LOVELACE state he had trouble with water treading training during Pre-Buds in Great Lakes, IL.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) is a civilian swim coach for Naval Special Warfare Preparatory School (NSWPS), located at Training Support Center, (TSC), Naval Station Great Lakes, IL. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reviewed the records for V/LOVELACE and stated he did recall some details in reference to V/LOVELACE.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recalled V/LOVELACE initially was not the fastest individual in the pool. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) advised V/LOVELACE was in lanes one (1) and two (2) after his initial swim test. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) explained that the initial test was a 1000 meter swim. Students who swim slower than 19 minutes are placed in lanes one (1) and two (2) for future swims so instructors can be closer to them and offer more instruction.

4. After reviewing the records, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recalled that V/LOVELACE worked hard and was able to bring his 1000 meter time to just over NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) remembered V/LOVELACE working hard to get his time down on this swim test.

5. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not recall a time when V/LOVELACE was vomiting on the pool deck. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated instructors and coaches keep a log of incidents on the pool deck and after reviewing the log, V/LOVELACE was only in the swim log for a poor water tread in which he was given a four (4) rating out of five (5). NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) explained five (5) would be the worst rating a student could receive with a one (1) being the highest rating. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) continued it is not uncommon for a student to get a score of four (4) in a water evolution.

6. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated they have approximately 200 students come through NSWPS every eight (8) weeks and unless the student standout, either for a good or poor performance, he does not recall most of the students he deals with. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recalled who V/LOVELACE was after he reviewed records of V/LOVELACE in preparation for this interview.

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EXHIBIT (65)

7. Reporting Investigator then terminated the interview, presented [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) with contact information for RI, and advised [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) to please contact RI if he recalls any further information which could assist in this investigation.

BIOGRAPHICAL DATA:
Name:
DOB:
SSN:
Phone:
Address:

[redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

REPORTED BY: [redacted] NCIS (b)(6), (b)(7)(C) Investigator
OFFICE: RESIDENT AGENCY GREAT LAKES

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 31MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)/FRANKFURT, GERMANY

RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 31May16, Reporting Investigator (RI), interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) CIV. RI identified himself by both stating his office and displaying his NCIS credentials. For background, On 06MAY16, V/LOVELACE passed away after having complications during a Combat Swimming exercise at Naval Amphibious Base (NAB) Coronado, CA as part of Basic Underwater Demolition School (BUDS). Interviews with classmates of V/LOVELACE state he had trouble with water treading training during Pre-Buds in Great Lakes, IL.

2. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) is a civilian swim coach for Naval Special Warfare Preparatory School (NSWPS), located at Training Support Center, (TSC), Naval Station Great Lakes, IL. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) advised he has reviewed the records for V/LOVELACE and stated he did recall one (1) detail in reference to V/LOVELACE.

3. After reviewing the records, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recalled that V/LOVELACE had a "poor tread" during one (1) swimming evolution. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated V/LOVELACE received a score of four (4) on a swimming evolution involving treading water. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated that a score of five (5) is the worst score possible and it is not uncommon for a student to get a score of four (4) in a water evolution.

4. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he did not recall a time when V/LOVELACE was throwing up on the pool deck. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated that if V/LOVELACE had vomited, it would have been noted in the same log book which showed V/LOVELACE scoring a four (4) during the treading water incident.

5. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated they have approximately 200 students come through NSWPS every eight (8) weeks and unless the student standout, either for a good or poor performance, he does not recall most of the students he deals with. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recalled who V/LOVELACE was after he reviewed records of V/LOVELACE in preparation for this interview.

6. Reporting Investigator then terminated the interview, presented NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) with contact information for RI and advised NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) to contact RI if he recalls any further information which could assist in this investigation.

BIOGRAPHICAL DATA:
Name:
DOB: NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

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EXHIBIT (66)

SSN:
Phone:
Address: NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

REPORTED BY: NCIS (b)(6), (b)(7)(C) Investigator
OFFICE: RESIDENT AGENCY GREAT LAKES

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 01JUN16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) KFURT, GERMANY

RECEIPT OF BUD/S PHASE 1 TRAINING SCHEDULE

1. On 01JUN16, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) A, Naval Special Warfare (NSW) Basic Training Center (BTC), Naval Amphibious Base (NAB) Coronado, CA, provided NCIS with the weekly schedule for Basic Underwater Demolition/SEAL (BUD/S) Phase 1 training. The schedule depicts the students' daily schedules beginning as early as 0530 and denotes their training location, the time of the course, course name (Evolution), and instructors. The spreadsheet consists of three weeks of Basic Orientation and seven weeks of actual Phase 1 training. Enclosures (A)and (B) pertain.

2. It is noted that the bottom tabs of the spreadsheet each represents a week of the training. The tab, 1st Week 1 is the week V/LOVELACE died. Of note, the date 06MAY16 listed the training evolution of Combat Swimmer Orientation from 1300-1500. The curriculum for this training has been documented via previous reporting which indicated this training did not require that the students hands and/or feet be bound.

ENCLOSURE(S)
(A) CD CONTAINING EXCEL SPREADSHEET OF BUD/S PHASE 1 TRAINING SCHEDULE/05APR16-22JUN16
(B) PRINTOUT OF BUD/S PHASE 1 TRAINING SCHEDULE/05APR16-22JUN16

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

NCIS (b)(6), (b)(7)(C)

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EXHIBIT 67

Pages 571 through 600 redacted for the following reasons:
- -
Enclosure (A) to Exhibit (67): Referred to Naval Special Warfare Command

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 03JUN16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
M/V (NAB), P.O. BOX [redacted], FRANKFURT, GERMANY

RECEIPT OF FEDERAL FIRE RESPONSE REPORT

1. On 02JUN16, Chief NCIS (b)(6), (b)(7)(C) CIV, Emergency Medical Services (EMS), Commander Navy Region Southwest (CNRSW), provided Reporting Agent (RA) with a copy of the Federal Fire response report, incident number 16050600087. Enclosure (A) pertains. As background, on 06MAY16, V/LOVELACE was pulled from the Combat Training Tank (CTT) aboard Naval Amphibious Base (NAB) Coronado, CA, during a training exercise and became unresponsive.

2. The report is a template with handwritten information contained within. It is noted the Federal Fire response team was Unit E13, and consisted of CAPT NCIS (b)(6), (b)(7)(C) (NFI), Acting Engine Fire Fighter NCIS (b)(6), (b)(7)(C) (NFI), Fire Fighter NCIS (b)(6), (b)(7)(C), and Fire Fighter NCIS (b)(6), (b)(7)(C) (NFI). The call for assistance was received at 1345, the team arrived at 1349, and departed the scene at 1407.

3. The handwritten narrative contained a brief history of what the initial call reported as well as the reporter's observations and life saving actions by the Federal Fire crew and the SEAL instructors. Also documented was the arrival of Medic NCIS (b)(6), (b)(7)(C) arrived at 1357 and "took over pt care." It was reported that Medic NCIS (b)(6), (b)(7)(C) reported V/LOVELACE to the hospital. In the narrative, the report noted V/LOVELACE was lying supine at the edge of the pool, his lips were cyanotic, his skin was pale, and he was wearing military attire.

ENCLOSURE(S)
(A) Federal Fire Response Report/06MAY16

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

NCIS (b)(6), (b)(7)(C)

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EXHIBIT (68)

PATIENT IDENTIFICATION

Name: Last: LoveLACE First: JAMES M.I.:
D.O.B.: 5-27-1994 Home Phone: (
Home Address: Street: 2446 TRIDENT WAY BLDG 602
City: CORONADO State: CA Zip: 92155
Employer Name: USN ACTIVE DUTY Employer Phone:
Employer Address: State: Zip:
Responsible Party: Relationship:
Street Address: State: Zip:

Encounter Address: Bldg 164 NAB POOL City: Zip:
Transported To: CORONADO Hospital Transport Code: 8 Resident: (Y) N U
Hospital Admit Number:
ODOMETER: Start: 0 End: 0 Total: 0
No Charge: Night Charge: Multiple Patients Transported: Waiting Time:
Driver's License Number: State: Insurance Type:
Insurer: NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
Insurance Policy Number: Additional Insurance:

NARRATIVE

(b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Gender: Weight: Status: (mild) (Emergency) (C) Chief Complaint:
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

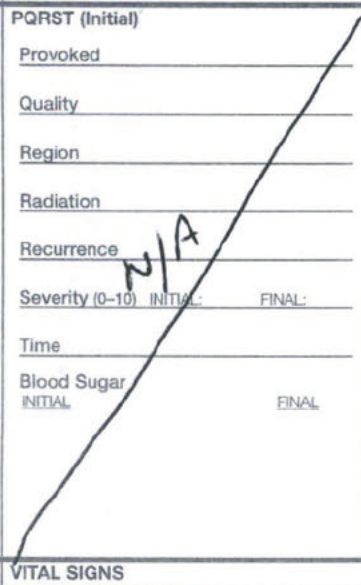
(C) near drowning (H) pt was doing training in pool at NAB bldg 164 and lost conciousness. (A) Upon EMS Arrival pt was supine at edge of pool, lips were cyanotic, skins pale, wearing military attire. CPR was being done by Independent Duty Corpsman NAVY (IDC) IDC stated that 4 cycles of CPR had been done and IDC was unsure how long pt had been unresponsive. NCIS (b)(6), (b)(7)(C) crew assessed pt AAOX0, Pulseless not breathing. NCIS (b)(6), (b)(7)(C) crew placed pt on backboard, began CPR removed clothing and dried skins. IDC Maintained Airway.

HISTORY

Medical History: (Unknown) Denies Angina MI CHF HTN CVA COPD Diabetes Sz CA Psych
Allergies: (Unknown) Denies PCN LATEX Codeine Sulfa ASA Other
Current Meds: (Unknown) Denies NTG ASA Dig Anti-HTN Viagra Inhaler Insulin Anti-Sz

ASSESSMENT

PQRST (Initial): Provoked / Quality / Region / Radiation / Recurrence N/A / Severity (0–10) INITIAL: FINAL: / Time / Blood Sugar INITIAL: FINAL:



BREATHING: Normal / Labored / Shallow
LEFT / RIGHT: Clear / Wheezes / Rales / Rhonchi / Diminished / Retractions / (Absent) / Other:

ORIENTATION: INITIAL / FINAL
0 x 3 / 0 x 2 / 0 x 1 / (0 x 0) / Confused / Normal for patient

GCS-EYES OPEN: INITIAL / FINAL
4 Spontan. / 3 Verbal / 2 Pain / (1 None)

GCS-VERBAL: INITIAL / FINAL
5 Oriented / 4 Confused / 3 Inapprop. / 2 Incompr. / (1 None)

GCS-MOTOR: INITIAL / FINAL
6 Obeys / 5 Localizes / 4 Withdraw / 3 Flexion / 2 Extension / (1 None)

SKINS: INITIAL / FINAL
Warm / (Cool) / Cold / Hot / Dry / Normal / Moist / Diaphoretic / (Pale) / Pink / Cyanotic / Flushed

CHEST: (Normal/Neg) / Tender / Bruising / Abrasion(s) / Penetrated / Flail / Pardoxical

PUPILS: LEFT / RIGHT
PERL / Constricted / Dilated / Fixed / (Unable)
Size (mm) LEFT / RIGHT: ____ / ____

CAP REFILL: INITIAL / FINAL
≤2 seconds / Delayed / (Absent)

ABDOMEN: (Normal/Neg) / Tender / Bruising / Abrasion(s) / Penetrated / Rigid / Distended

ETAD/ET/LT

		INITIAL	FINAL
L	Lung Sounds		
E	End Tidal CO_2		
A	Absence of ABD		
D	Depth		
S	Size		
D	(Doctor) Hospital Verification		

Name of MD/RN verifying placement: King Airway prepped and inserted by IDC Stp

VITAL SIGNS & INTERVENTIONS

VITAL SIGNS

TIME	PULSE	RESP.	BP	SpO_2	ECG/OTHER
1349	N/A	N/A	N/A	0	

TREATMENT

TIME	SKILL / MEDICATION, DOSE, ROUTE	ORDER	BY	RESPONSE
1349	PLACED pt on BACKBOARD			NO CHANGE
	AED PAD PLACEMENT +			NO CHANGE
1355	monitoring. Shocked			
	1x. DEFIB ANALYZED			
	4x.			
1350	BVM PLACEMENT			NO Change
	+ USAGE W/ O2			NO change
1349	removed clothing			
	dried pt.			

000602

ENCLOSURE (A)

Normal for patient | None | Pardoxical | Distended | And inserted by IDC staff

VITAL SIGNS & INTERVENTIONS

VITAL SIGNS

TIME	PULSE	RESP.	BP	SpO_2	ECG/OTHER
1349	N/A	N/A	N/A	02	

TREATMENT

TIME	SKILL / MEDICATION, DOSE, ROUTE	ORDER	BY	RESPONSE
1349	PLACED PT ON BACKBOARD &			NO CHANGE
	AED PAD PLACEMENT +			NO CHANGE
1355	MONITORING. SHOCKED			
	1X, DEFIB ANALYZED			
	4X.			
1350	BVM PLACEMENT			NO CHANGE
	+ USAGE W/ O2			NO CHANGE
1349	REMOVED CLOTHING			
	DRIED PT.			
1349	CPR IN PROGRESS BY CREW			NO CHANGE

INCIDENT

NCIS (b)(6), (b)(7)(C)

First Resp. | Intern

Date	TIMES	Call Rcvd	Arv Scn	Dpt Scn	Arv Des	Base	QCS#	Incident #
MAY 6, 2016		1345	1349	1407	N/A	N/A		1605060087

NCIS (b)(6), (b)(7)(C)

N / MD Signature

AGENCY COPY 9281858

HHSA

Continued on PPR #9281859

County of San Diego
Health and Human Services

Death on Scene | Ejection from Automobile | FIN | INT | Black or African Am/Non-Hispanic | Black or African Am/Hispanic | PEDIATRIC ONLY | May | Jun

PATIENT IDENTIFICATION

D.O.B. | Home Phone ( ) | Transported To | Transport Code | Resident Y N U

Home Address: Street | Hospital Admit Number | ODOMETER Start / End / Total

City | State | Zip

Employer Name | Employer Phone | No Charge ☐ | Night Charge ☐ | Multiple Patients Transported ☐ | Waiting Time

Employer Address | State | Zip | Driver's License Number | State | Insurance Type

Responsible Party | Relationship | Social Security Number | Insurer

Street Address | State | Zip | Insurance Policy/Number | Additional Insurance

NARRATIVE

Age | Gender ☐ female ☐ male | Weight | Status ☐ mild ☐ moderate ☐ acute | Chief Complaint

Continued.. BVM was hooked to high flow O2 and given to IDC. AED PADS were placed on pt and pt was analyzed #1. No shock, continue CPR. IDC produced a prepped King Airway, inserted it and Assessed placement AS CPR was continued by NCIS (b)(6), (b)(7)(C) crew. AED ANALYZED #2 NO SHOCK CPR Continued. AED ANALYZED #3 prompted NCIS (b)(6), (b)(7)(C) crew to shock Pt, shock administered NCIS (b)(6), (b)(7)(C) crew reassessed AS AAOXO. Breathing & and pulseless. AED stated continue CPR. Medic NCIS (b)(6), (b)(7)(C) Arrived on scene Pt loaded on gurney as CPR cont.

HISTORY

Medical History: ☐ Unknown ☐ Denies ☐ Angina ☐ MI ☐ CHF ☐ HTN ☐ CVA ☐ COPD ☐ Diabetes ☐ Sz ☐ CA ☐ Psych

Current Meds: ☐ Unknown ☐ Denies ☐ NTG ☐ ASA ☐ Dig ☐ Anti-HTN ☐ Viagra ☐ Inhaler ☐ Insulin ☐ Anti-Sz

Allergies: ☐ Unknown ☐ Denies ☐ PCN ☐ LATEX ☐ Codeine ☐ Sulfa ☐ ASA ☐ Other

ASSESSMENT

PQRST (Initial)

Provoked

Quality

Region

Radiation

Recurrence

Severity (0–10) INITIAL: FINAL:

Time

Blood Sugar INITIAL FINAL

BREATHING

☐ Normal ☐ Labored ☐ Shallow

LEFT		RIGHT
☐	Clear	☐
☐	Wheezes	☐
☐	Rales	☐
☐	Rhonchi	☐
☐	Diminished	☐
☐	Retractions	☐
☐	Absent	☐

Other:

ORIENTATION

INITIAL		FINAL
☐	0 x 3	☐
☐	0 x 2	☐
☐	0 x 1	☐
☐	0 x 0	☐
☐	Confused	☐
☐	Normal for patient	☐

GCS-EYES OPEN

INITIAL		FINAL
☐ 4	Spontan.	☐ 4
☐ 3	Verbal	☐ 3
☐ 2	Pain	☐ 2
☐ 1	None	☐ 1

GCS-VERBAL

INITIAL		FINAL
☐ 5	Oriented	☐ 5
☐ 4	Confused	☐ 4
☐ 3	Inapprop.	☐ 3
☐ 2	Incompr.	☐ 2
☐ 1	None	☐ 1

GCS-MOTOR

INITIAL		FINAL
☐ 6	Obeys	☐ 6
☐ 5	Localizes	☐ 5
☐ 4	Withdraw	☐ 4
☐ 3	Flexion	☐ 3
☐ 2	Extension	☐ 2
☐ 1	None	☐ 1

SKINS

INITIAL		FINAL
☐	Warm	☐
☐	Cool	☐
☐	Cold	☐
☐	Hot	☐
☐	Dry	☐
☐	Normal	☐
☐	Moist	☐
☐	Diaphoretic	☐
☐	Pale	☐
☐	Pink	☐
☐	Cyanotic	☐
☐	Flushed	☐

CHEST

☐ Normal/Neg ☐ Tender ☐ Bruising ☐ Abrasion(s) ☐ Penetrated ☐ Flail ☐ Pardoxical

PUPILS

LEFT		RIGHT
☐	PERL	☐
☐	Constricted	☐
☐	Dilated	☐
☐	Fixed	☐
☐	Unable	☐

Size (mm)

LEFT	RIGHT

CAP REFILL

INITIAL		FINAL
☐	≤2 seconds	☐
☐	Delayed	☐
☐	Absent	☐

ABDOMEN

☐ Normal/Neg ☐ Tender ☐ Bruising ☐ Abrasion(s) ☐ Penetrated ☐ Rigid ☐ Distended

ETAD/ET/LT

		INITIAL	FINAL
L	Lung Sounds		
E	End Tidal CO_2		
A	Absence of ABD		
D	Depth		
S	Size		
D	(Doctor) Hospital Verification		

Name of MD/RN verifying placement:

VITAL SIGNS & INTERVENTIONS

VITAL SIGNS

TIME	PULSE	RESP.	BP	SpO_2	ECG/OTHER
	000604				

TREATMENT

TIME	SKILL / MEDICATION, DOSE, ROUTE	ORDER	BY	RESPONSE
	Continued from PPR			
	928858			

PATIENT IDENTIFICATION

D.O.B.	Home Phone ( )	Transported To	Transport Code	Resident Y N U
Home Address: Street		Hospital Admit Number	ODOMETER Start / End / Total	
City	State Zip			
Employer Name	Employer Phone	No Charge ☐ Night Charge ☐	Multiple Patients Transported ☐	Waiting Time
Employer Address	State Zip	Driver's License Number	State	Insurance Type
Responsible Party	Relationship	Social Security Number	Insurer	
Street Address	State Zip	Insurance Policy/Number	Additional Insurance	

NARRATIVE

Age | Gender ☐ female ☐ male | Weight | Status ☐ mild ☐ moderate ☐ acute | Chief Complaint

Continued... AED Analyzed #4 stated no shock continue CPR, pt placed in Medic NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) transported to Coronado Hospital And assumed pt care. FF NCIS (b)(6), (b)(7)(C) drove Medic NCIS (b)(6), (b)(7)(C) to hospital. Please refer to AED prompts For Assessment + CPR stats.

NCIS (b)(6), (b)(7)(C) Crew CAPT NCIS (b)(6), (b)(7)(C) Acting Eng FF NCIS (b)(6), (b)(7)(C), FF NCIS (b)(6), (b)(7)(C) FF NCIS (b)(6), (b)(7)(C)

Medic NCIS (b)(6), (b)(7)(C) arrived on scene at 1357 And took over Pt care

HISTORY

Medical History: ☐ Unknown ☐ Denies ☐ Angina ☐ MI ☐ CHF ☐ HTN ☐ CVA ☐ COPD ☐ Diabetes ☐ Sz ☐ CA ☐ Psych

Current Meds: ☐ Unknown ☐ Denies ☐ NTG ☐ ASA ☐ Dig ☐ Anti-HTN ☐ Viagra ☐ Inhaler ☐ Insulin ☐ Anti-Sz

Allergies: ☐ Unknown ☐ Denies ☐ PCN ☐ LATEX ☐ Codeine ☐ Sulfa ☐ ASA ☐ Other

ASSESSMENT

PQRST (Initial)

Provoked

Quality

Region

Radiation

Recurrence

Severity (0–10) INITIAL: FINAL:

Time

Blood Sugar INITIAL FINAL

BREATHING

☐ Normal ☐ Labored ☐ Shallow

LEFT		RIGHT
☐	Clear	☐
☐	Wheezes	☐
☐	Rales	☐
☐	Rhonchi	☐
☐	Diminished	☐
☐	Retractions	☐
☐	Absent	☐

Other:

ORIENTATION

INITIAL		FINAL
☐	0 x 3	☐
☐	0 x 2	☐
☐	0 x 1	☐
☐	0 x 0	☐
☐	Confused	☐
☐	Normal for patient	☐

GCS-EYES OPEN

INITIAL		FINAL
☐ 4	Spontan.	☐ 4
☐ 3	Verbal	☐ 3
☐ 2	Pain	☐ 2
☐ 1	None	☐ 1

GCS-VERBAL

INITIAL		FINAL
☐ 5	Oriented	☐ 5
☐ 4	Confused	☐ 4
☐ 3	Inapprop.	☐ 3
☐ 2	Incompr.	☐ 2
☐ 1	None	☐ 1

GCS-MOTOR

INITIAL		FINAL
☐ 6	Obeys	☐ 6
☐ 5	Localizes	☐ 5
☐ 4	Withdraw	☐ 4
☐ 3	Flexion	☐ 3
☐ 2	Extension	☐ 2
☐ 1	None	☐ 1

SKINS

INITIAL		FINAL
☐	Warm	☐
☐	Cool	☐
☐	Cold	☐
☐	Hot	☐
☐	Dry	☐
☐	Normal	☐
☐	Moist	☐
☐	Diaphoretic	☐
☐	Pale	☐
☐	Pink	☐
☐	Cyanotic	☐
☐	Flushed	☐

CHEST

☐ Normal/Neg ☐ Tender ☐ Bruising ☐ Abrasion(s) ☐ Penetrated ☐ Flail ☐ Pardoxical

PUPILS

LEFT		RIGHT
☐	PERL	☐
☐	Constricted	☐
☐	Dilated	☐
☐	Fixed	☐
☐	Unable	☐

Size (mm)

LEFT	RIGHT

CAP REFILL

INITIAL		FINAL
☐	<2 seconds	☐
☐	Delayed	☐
☐	Absent	☐

ABDOMEN

☐ Normal/Neg ☐ Tender ☐ Bruising ☐ Abrasion(s) ☐ Penetrated ☐ Rigid ☐ Distended

ETAD/ET/LT

		INITIAL	FINAL
L	Lung Sounds		
E	End Tidal CO_2		
A	Absence of ABD		
D	Depth		
S	Size		
D	(Doctor) Hospital Verification		

Name of MD/RN verifying placement:

VITAL SIGNS & INTERVENTIONS

VITAL SIGNS

TIME	PULSE	RESP.	BP	SpO_2	ECG/OTHER
	000605				

TREATMENT

TIME	SKILL / MEDICATION, DOSE, ROUTE	ORDER	BY	RESPONSE
	Continued from PPR			
	9281859			

Agency#	TR Unit	FR Unit	Crew 1	Crew 2	First Resp.

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 03JUN16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
V/[redacted], GERMANY

RECEIPT OF V/LOVELACE'S PERSONNEL, MEDICAL AND PSYCHOLOGICAL RECORDS FROM NSW BTC

1. On 02JUN16, Reporting Agent (RA) received electronic copies of requested records pertaining to V/LOVELACE. The reports consisted of medical records (some of which were previously provided by Naval Medical Center San Diego (NMCSD) via an official request and documented in separate reporting), psychological records specific to Naval Special Warfare (NSW), and personnel records from NSW Basic Training Center (BTC). Enclosures (A)-(E) pertain.

2. The personnel records include biographical information of V/LOVELACE and a list of Navy assignments and locations.

3. The psychological records include a psychological suitability checklist, results of V/LOVELACE's Minnesota Multiphasic Personality Inventory 2, and the results for his Multi Aptitude Battery II test.

4. The medical records contain many of the same documentation from NMCSD, but also included additional information, including handwritten reports of physical examinations, documentation of V/LOVELACE's NCIS (b)(6), (b)(7)(C) and other pre-BUD/S screenings. Of note, there are numerous duplicates within these recently received documents.

ENCLOSURE(S)
(A) V/LOVELACE BUD/S ELECTRONIC PERSONNEL FILE/UNDATED
(B) V/LOVELACE PSYCHOLOGICAL ASSESSMENT FOR NSW/01FEB16
(C) V/LOVELACE MEDICAL PRESCREEN OF MEDICAL HISTORY REPORT/29DEC14
(D) V/LOVELACE MEDICAL PRESCREEN OF MEDICAL HISTORY REPORT #2/29DEC14
(E) CHRONOLOGICAL RECORD OF MEDICAL CARE FOR V/LOVELACE/VARIOUS DATES

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

NCIS (b)(6), (b)(7)(C)

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EXHIBIT (69)

Pages 607 through 712 redacted for the following reasons:
- -
Enclosures (A - E) to Exhibit (69): Referred to Naval Special Warfare Command

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 06JUN16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RECEIPT OF CITY OF CORONADO FIRE DEPARTMENT FIRE INCIDENT REPORT FOR 06MAY16

1. On 06JUN16, Reporting Agent (RA) received the City Of Coronado Fire Department Fire Incident Report #16-0052830. Enclosure (A) pertains. As background, subsequent to receiving the Federal Fire response report, documented via separate cover, RA was informed by Chief NCIS (b)(6), (b)(7)(C) Emergency Medical Service (EMS) Federal Fire, San Diego, CA, that the City of Coronado Fire Department transported V/LOVELACE from building 164 aboard Naval Amphibious Base (NAB) Coronado, CA, on 06May16. NCIS (b)(6), (b)(7)(C) provided contact information for Bill TOON, Battalion Chief, EMS, Logistics, Coronado Fire Department in order to obtain their incident report.

2. The report is a seven page template document with minimal information. It is noted the individuals' names who responded (Firefighters) were blacked out of the form. The report indicated they were dispatched at 1348, arrived on scene at 1356, and cleared from their last location at 1448. They were noted to have assisted with providing "advanced life support (ALS)."

3. Of note, when RA picked up the report, the receptionist (NFI) informed RA that due to the Federal Fire ambulance being occupied on a previous call-out, the City Of Coronado ambulance was dispatched to respond and transport V/LOVELACE. She advised this is a common practice and at times when the City of Coronado ambulance is unavailable to respond, the Federal Fire ambulance will respond in kind.

ENCLOSURE(S)
(A) CITY OF CORONADO FIRE DEPARTMENT FIRE INCIDENT REPORT #16-0052830/06MAY16

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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Pages 714 through 720 redacted for the following reasons:
- -
Enclosures (A) to Exhibit (70): Contact Coronado Fire Department to obtain

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 08JUN16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

RESULTS OF MEETING WITH NCIS (b)(6), (b)(7)(C) CIV

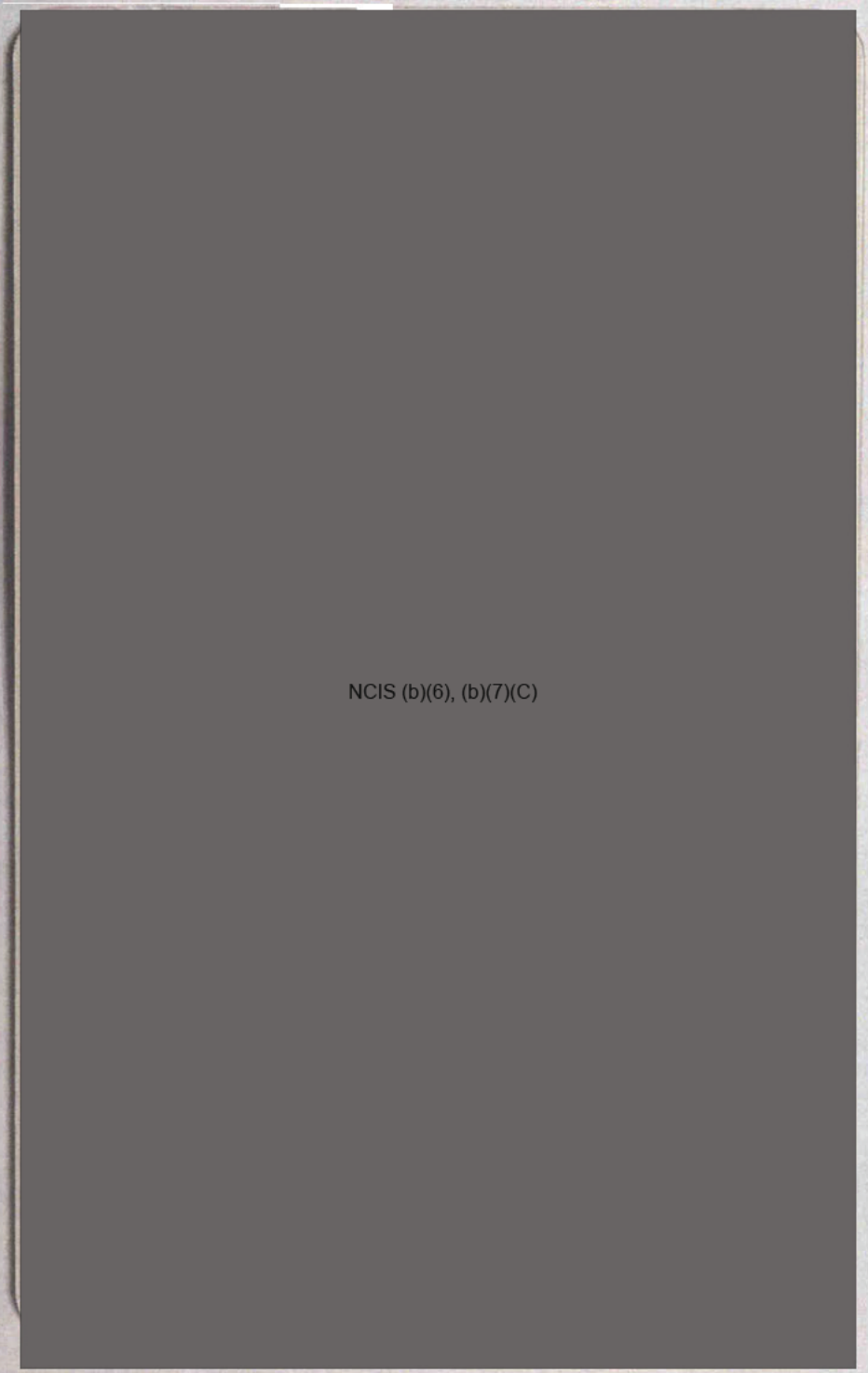
1. On 07Jun16, Reporting Agent (RA) visited the residence of NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) CIV, located at NCIS (b)(6), (b)(7)(C) RA explained to NCIS (b)(6), (b)(7)(C) the need to obtain his signatures on two (2) requests to authorize the release of the MICN Run Sheet and Audio Recording and of the Pre-Hospital EMS Report for V/LOVELACE. NCIS (b)(6), (b)(7)(C) stated he was grateful for the investigative work NCIS has completed thus far and stated he would continue to oblige with any further requests. NCIS (b)(6), (b)(7)(C) signed the release of information letters and provided a photo of his driver's license; Enclosures (A-C) pertain.

ENCLOSURE(S)
(A) DRIVERS LICENSE PHOTO OF NCIS (b)(6), (b)(7)(C) 07JUN16
(B) SIGNED RELEASE OF INFORMATION TO OBTAIN EMS REPORT/07JUN16
(C) SIGNED RELEASE OF INFORMATION TO OBTAIN MICN RUN SHEET/07JUN16

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY PENSACOLA

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EXHIBIT (71)



ENCLOSURE (A)

MEMORANDUM FOR: WHOM IT MAY CONCERN

FROM: [redacted]

SUBJECT: Release of Information

1. I, [redacted] of patient James Derek Lovelace, USN, (DOB: 5-27-94) authorize the release of the Pre-Hospital EMS Report for James Derek Lovelace on May 6, 2016 at approximately 1330 aboard Naval Amphibious Base Coronado, CA, to the Naval Criminal Investigative Service (NCIS), Special Agent [redacted] at 3405 Welles St. Ste 1, San Diego, CA 92136.

2. Please contact SA [redacted] with any questions prior to or after receiving this letter.

[redacted]

ENCLOSURE (B)

MEMORANDUM FOR: WHOM IT MAY CONCERN

FROM: NCIS (b)(6), (b)(7)(C)

SUBJECT: Release of Information

1. I, NCIS (b)(6), (b)(7)(C) of patient James Derek Lovelace, USN, (DOB: 5-27-94) authorize the release of the MICN Run Sheet and Audio Recording of the radio call for assistance for James Derek NCIS (b)(6), (b)(7)(C) May 6, 2016 at approximately 1330 aboard Naval Amphibious Base Coronado, CA, to the Naval Criminal Investigative Service (NCIS), Special Agent NCIS (b)(6), (b)(7)(C) at 3405 Welles St. Ste 1, San Diego, CA 92136.

2. Please contact SA NCIS (b)(6), (b)(7)(C) with any questions prior to or after receiving this letter.

NCIS (b)(6), (b)(7)(C)

ENCLOSURE (C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 10JUN16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

REQUEST AND RECEIPT OF SCRIPPS MERCY HOSPITAL MICN RUN SHEET AND AUDIO RECORDING OF RADIO CALL FOR V/LOVELACE EMS TRANSPORT

1. On 10JUN16, subsequent to receiving a signed request letter from NCIS (b)(6), (b)(7)(C) Reporting Agent (RA) submitted a request to NCIS (b)(6), (b)(7)(C) Director Risk Management/Patient Relations, Scripps Mercy Hospital, San Diego, CA, for the MICN run sheet and audio recording of the radio call for V/LOVELACE's Emergency Medical Services transport to Sharp Coronado Hospital on 06MAY16. Request and receipt of this signed letter is documented via separate reporting. The same da NCIS (b)(6), (b)(7)(C) contacted RA and informed the report and recording on a compact disk were available for pick up at Scripps Mercy Hospital. RA retrieved the items. Enclosures (A) and (B) pertain.

2. The report is a two page document documenting the two City of Coronado Advance Life Support (ALS) team's notification and response to V/LOVELACE aboard Naval Amphibious Base (NAB), Coronado, CA on 06MAY16. The report number is 5239175. The two individuals were identified as NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C) Medic NCIS (b)(6), (b)(7)(C) reviewed the radio call and it appears to have been made from the transporting ambulance on its way to the hospital. The CD containing the audio recording of the radio call was submitted into evidence at the NCIS Southwest Field Office Consolidated Evidence facility, San Diego, CA under log number 350-16.

ENCLOSURE(S)
(A) MICN Run Sheet 5239175/06MAY16
(B) CD Containing Copy of Audio Recording of Radio Call for Transport of V/LOVELACE/06MAY16

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

WARNING
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Pages 726 through 728 redacted for the following reasons:
- -
Enclosures (A - B) to Exhibit (72): Contact Scripps Mercy Hospital to obtain

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 10JUN16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C) CIV

1. On 08JUN16, Reporting Investigator (RI) interviewed NCIS (b)(6), (b)(7)(C) CIV, at NCIS (b)(6), (b)(7)(C) regarding captioned investigation.

NCIS (b)(6), (b)(7)(C) stated she was very close to V/LOVELACE and when she first learned of his death she thought "they must have killed him" because V/LOVELACE was too good of a swimmer to have drowned. NCIS (b)(6), (b)(7)(C) stated she changed her mind after speaking with NCIS (b)(6), (b)(7)(C) who watched a video of V/LOVELACE in the pool and reportedly explained he did not believe V/LOVELACE's death was a result of any criminal activity. NCIS (b)(6), (b)(7)(C) stated her last communication with V/LOVELACE was via text meesage about his birthday present, and everything appeared normal within the context of their communication. NCIS (b)(6), (b)(7)(C) stated she believed V/LOVELACE's last communication was to NCIS (b)(6), (b)(7)(C) telling her he was about to start "Hell Week", and he was sorry he could not attend her graduation and stated he was very proud of her. NCIS (b)(6), (b)(7)(C) stated V/LOVELACE and NCIS (b)(6), (b)(7)(C) have been dating on and off for eight (8) years.

3. According to NCIS (b)(6), (b)(7)(C) she spoke or texted V/LOVELACE often and her communication became a little less when V/LOVELACE was in Boot Camp and Basic Underwater Demolition School (BUDS). NCIS (b)(6), (b)(7)(C) stated V/LOVELACE was bored in Boot Camp and felt he was not working out hard enough. NCIS (b)(6), (b)(7)(C) stated NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) the training easy because he had worked out so hard prior to Boot Camp. NCIS (b)(6), (b)(7)(C) stated V/LOVELACE trained for two years prior to entering the Navy. NCIS (b)(6), (b)(7)(C) described V/LOVELACE's training as ocean and jetty swims with a weighted vest and boots, and holding his breath underwater. In addition, V/LOVELACE did Crossfit in Crestview, FL. NCIS (b)(6), (b)(7)(C) called the crossfit gym was off PJ Adams Road, but she could not remember the name. NCIS (b)(6), (b)(7)(C) stated V/LOVELACE worked out with his friend, NCIS (b)(6), (b)(7)(C) and NCIS (b)(6), (b)(7)(C) did not recall NCIS (b)(6), (b)(7)(C) but stated NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) would know his last name. NCIS (b)(6), (b)(7)(C) added everyone in her family were strong swimmers because the grew up near the ocean in Guam and Florida.

4. Regarding V/LOVELACE's training, NCIS (b)(6), (b)(7)(C) recalled V/LOVELACE telling her 200 students started in a pre-BUDS class in Chicago and only 100 continued to BUDS in California. NCIS (b)(6), (b)(7)(C) stated V/LOVELACE told her BUDS was "easy", he was "kicking everyone's ass" and it was a "piece of cake". Additionally, V/LOVELACE told her nine (9) guys dropped out on the first day and training had not even started yet. NCIS (b)(6), (b)(7)(C) stated she did not know much about specific training, but V/LOVELACE did tell her he completed a drowning exercise

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EXHIBIT (73)

NCIS (b)(6), (b)(7)(C) not recall the exact day) and V/LOVELACE told her it was "no biggy" and "this is nothing, I can't wait for Phase II."

5. NCIS (b)(6), (b)(7)(C) stated V/LOVELACE never complained about other students or instructors. NCIS (b)(6), (b)(7)(C) stated V/LOVELACE told her everybody was "cool" in BUDS and he was making a lot of friends.

6. Regarding injuries, NCIS (b)(6), (b)(7)(C) stated V/LOVELACE's most serious injury was a NCIS (b)(6), (b)(7)(C) college while playing baseball, but the injury likely resulted from a previous skateboarding injury. NCIS (b)(6), (b)(7)(C) stated V/LOVELACE was told the rehab would take nine months, but V/LOVELACE pushed his rehab and was done in four (4) months. NCIS (b)(6), (b)(7)(C) recalled V/LOVELACE was also hit in the face with a ground ball and it knocked his two front teeth out. NCIS (b)(6), (b)(7)(C) also recalled an incident prior to V/LOVELACE entering the Navy. According to NCIS (b)(6), (b)(7)(C) some big guys were bothering a girl and V/LOVLACE intervened. NCIS (b)(6), (b)(7)(C) stated the group threw V/LOVELACE head first into a brick wall causing a laceration to his head. NCIS (b)(6), (b)(7)(C) stated V/LOVELACE NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) stated V/LOVELACE told the recruiter about the aforementioned injury.

7. NCIS (b)(6), (b)(7)(C) stated V/LOVELACE was against drugs and although some of his friends (NFI) would do "illegal cycles" (steroids) he only used pre-workout (NFI) and protein contianing whey from GNCIS (b)(6), (b)(7)(C) unaware of V/LOVELACE using energy drinks, etc. According to NCIS (b)(6), (b)(7)(C) V/LOVELACE hated taking any type of medicine even when he had a cold.

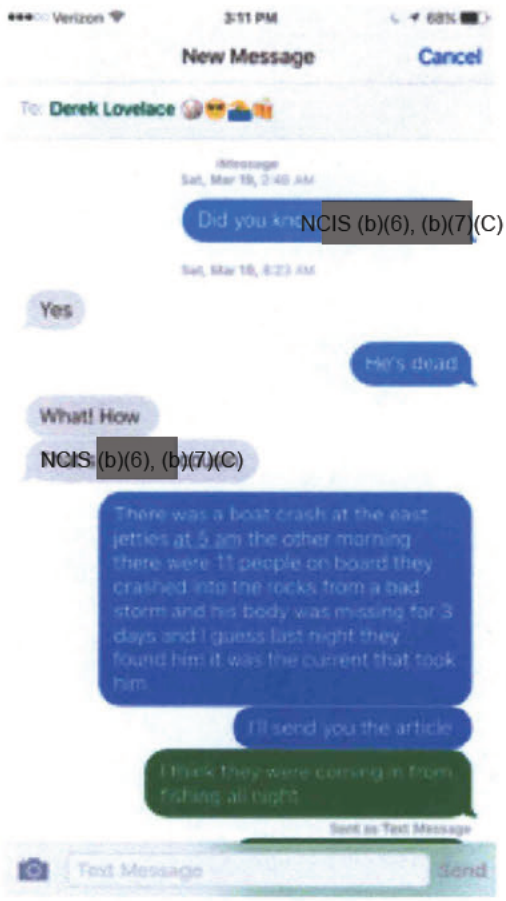
8. NCIS (b)(6), (b)(7)(C) stated most of her communication with V/LOVELACE were telephone calls, Snapchat and Instagram. NCIS (b)(6), (b)(7)(C) provided V/LOVELACE's information as "lovelacej2" for Instagram and "d.lovelace" for Snapchat. NCIS (b)(6), (b)(7)(C) stated V/LOVELACE rarely used Facebook. Regarding passwords, NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) would have those if anyone NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) would log into V/LOVELACE's iPhone. Furthermore, NCIS (b)(6), (b)(7)(C) stated V/LOVELACE frequently used the number "2" (his baseball number) and perhaps he would use his old address NCIS (b)(6), (b)(7)(C) old Florida address).

9. Finally, NCIS (b)(6), (b)(7)(C) provided screen shots of all communication she shared with V/LOVELACE. Enclosure (A) pertains. NCIS (b)(6), (b)(7)(C) stated the only other person who may have additional information is the best friend of V/LOVELACE named NCIS (b)(6), (b)(7)(C)

ENCLOSURE(S)
(A) Copies of Social Media messages/Various dates

REPORTED BY: NCIS (b)(6), (b)(7)(C) Investigator
OFFICE: RESIDENT AGENCY EARLE

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RESIDENT AGENCY SAN DIEGO

NI TITLE	CCN
V/LOVELACE, JAMES DEREK USN	06MAY16-SWND-0303-7HNA

SUMMARY

PHOTOGRAPHED BY:
N/A
REPORTING AGENT:
INV NCIS (b)(6), (b)(7)(C)
PHOTO DATE:

Photograph (1) of (26)

Enclosure (A)



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NI TITLE	CCN
V/LOVELACE, JAMES DEREK USN	06MAY16-SWND-0303-7HNA

SUMMARY

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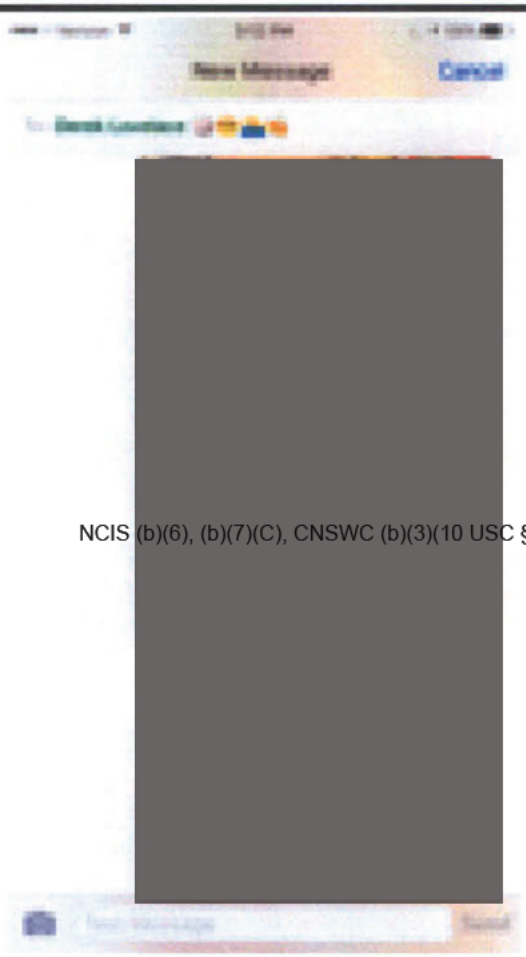
REPORTING AGENT:

INV NCIS (b)(6), (b)(7)(C)

PHOTO DATE:

Photograph (2) of (26)

Enclosure (A)



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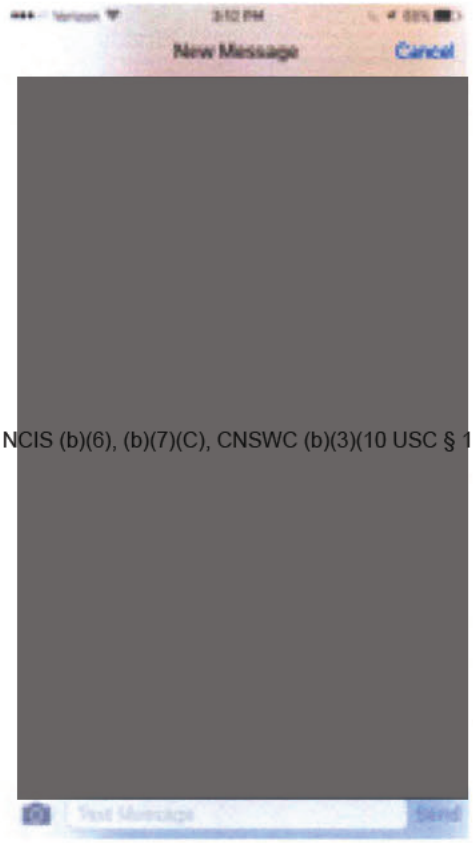
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V/LOVELACE, JAMES DEREK USN	06MAY16-SWND-0303-7HNA

SUMMARY

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REPORTING AGENT:
INV NCIS (b)(6), (b)(7)(C)
PHOTO DATE:

Photograph (3) of (26)

Enclosure ( )



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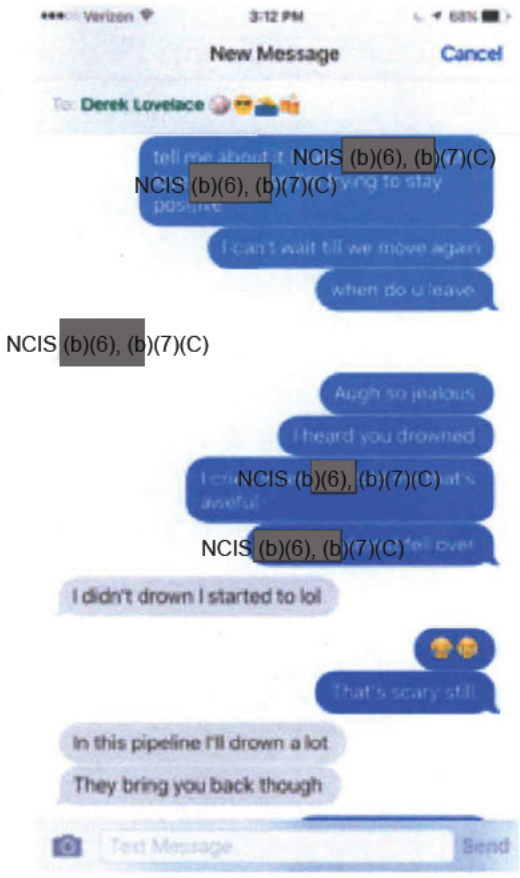
NI TITLE	CCN
V/LOVELACE, JAMES DEREK USN	06MAY16-SWND-0303-7HNA

SUMMARY

PHOTOGRAPHED BY:
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REPORTING AGENT:
INV NCIS (b)(6), (b)(7)(C)
PHOTO DATE:

Photograph (4) of (26)

Enclosure ( )



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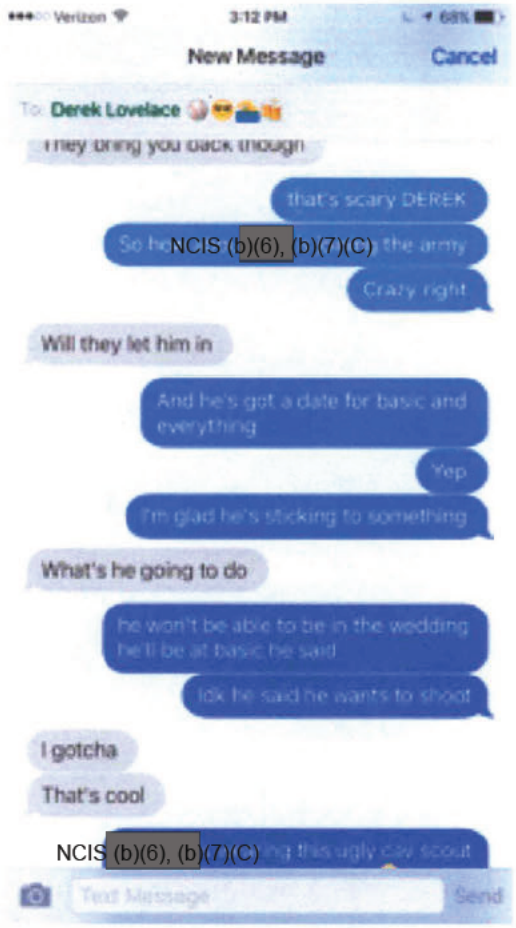
NI TITLE	CCN
V/LOVELACE, JAMES DEREK USN	06MAY16-SWND-0303-7HNA

SUMMARY

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PHOTO DATE:

Photograph (5) of (26)

Enclosure ( )



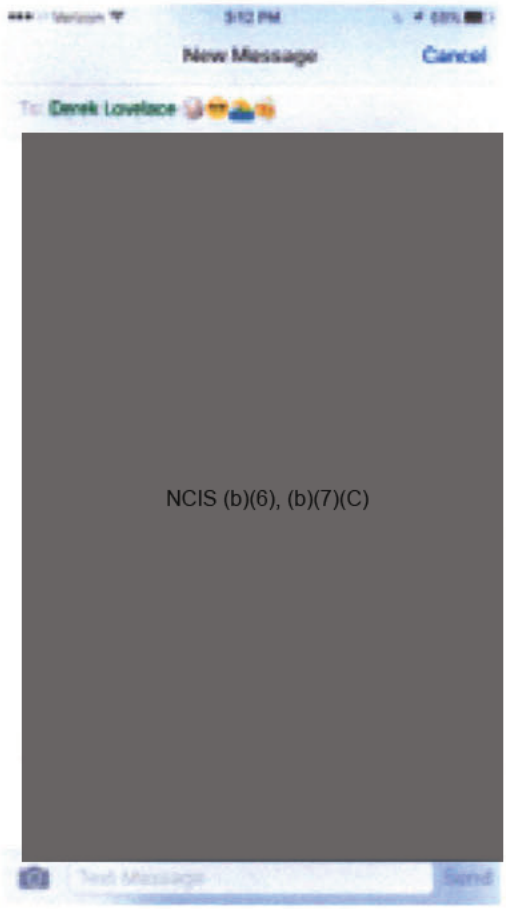
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NI TITLE	CCN
V/LOVELACE, JAMES DEREK USN	06MAY16-SWND-0303-7HNA

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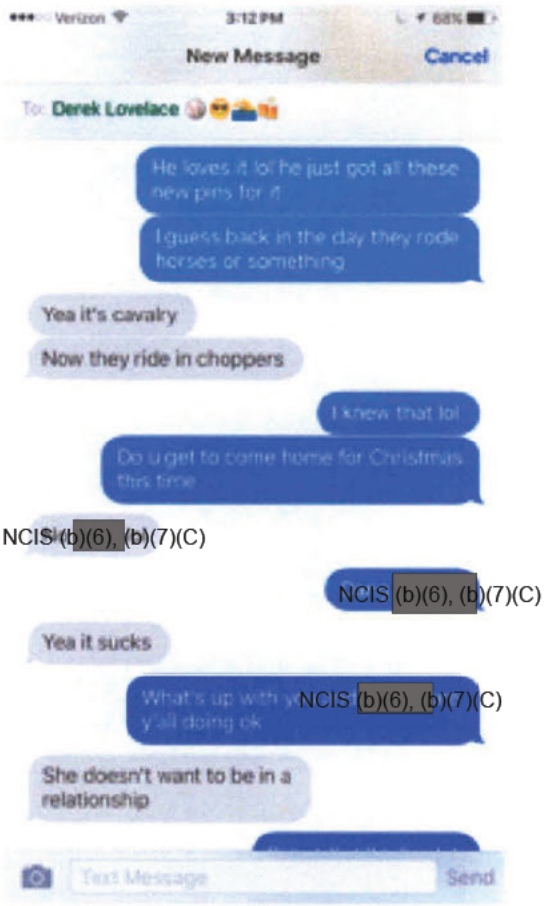
NI TITLE	CCN
V/LOVELACE, JAMES DEREK USN	06MAY16-SWND-0303-7HNA

SUMMARY

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Photograph (7) of (26)

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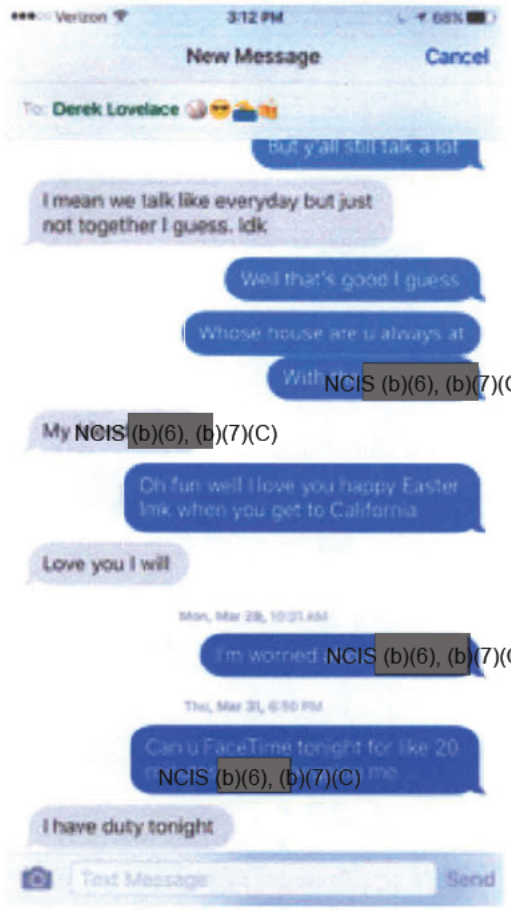
NI TITLE	CCN
V/LOVELACE, JAMES DEREK USN	06MAY16-SWND-0303-7HNA

SUMMARY

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Photograph (8) of (26)

Enclosure (A)



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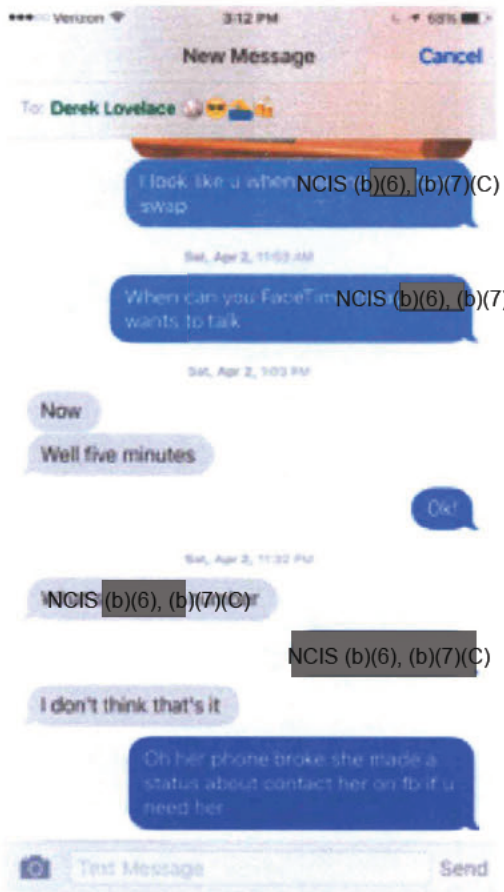
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V/LOVELACE, JAMES DEREK USN	06MAY16-SWND-0303-7HNA

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Photograph (9) of (26)

Enclosure (A)



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NI TITLE	CCN
V/LOVELACE, JAMES DEREK USN	06MAY16-SWND-0303-7HNA

SUMMARY

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Photograph (10) of (26)

Enclosure ( )



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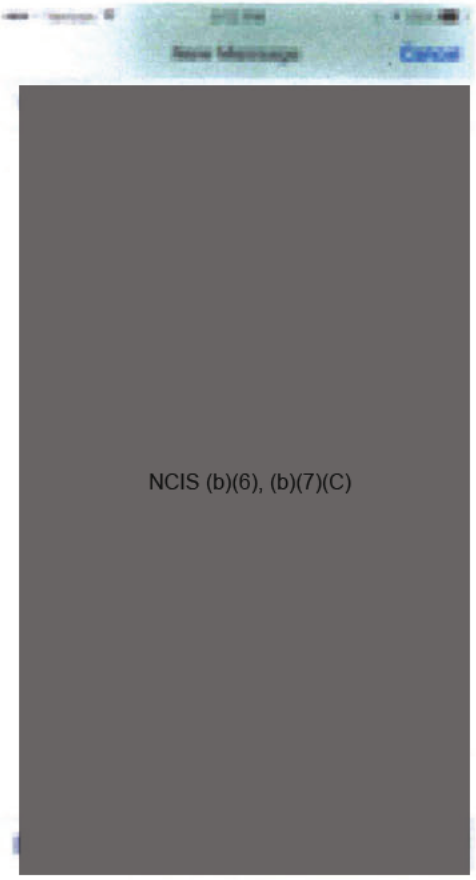
NI TITLE	CCN
V/LOVELACE, JAMES DEREK USN	06MAY16-SWND-0303-7HNA

SUMMARY

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Photograph (11) of (26)

Enclosure ( )



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NI TITLE	CCN
V/LOVELACE, JAMES DEREK USN	06MAY16-SWND-0303-7HNA

SUMMARY

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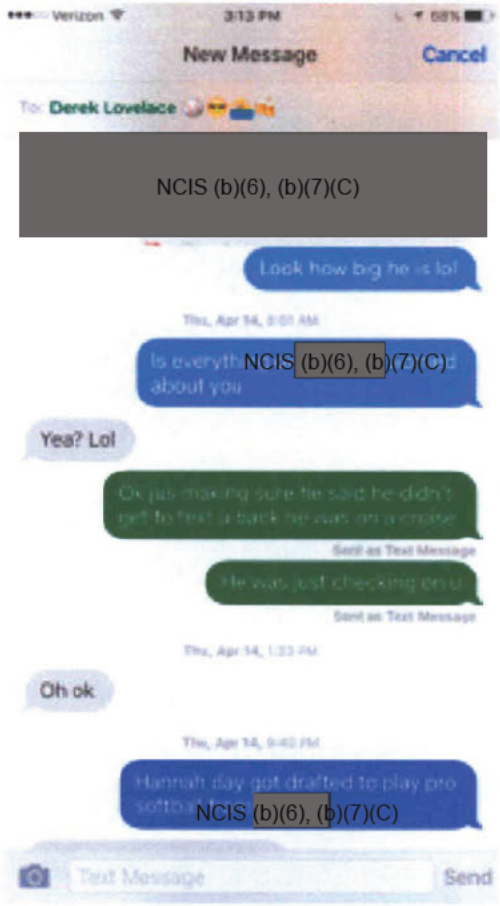
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Photograph (12) of (26)

Enclosure ( )



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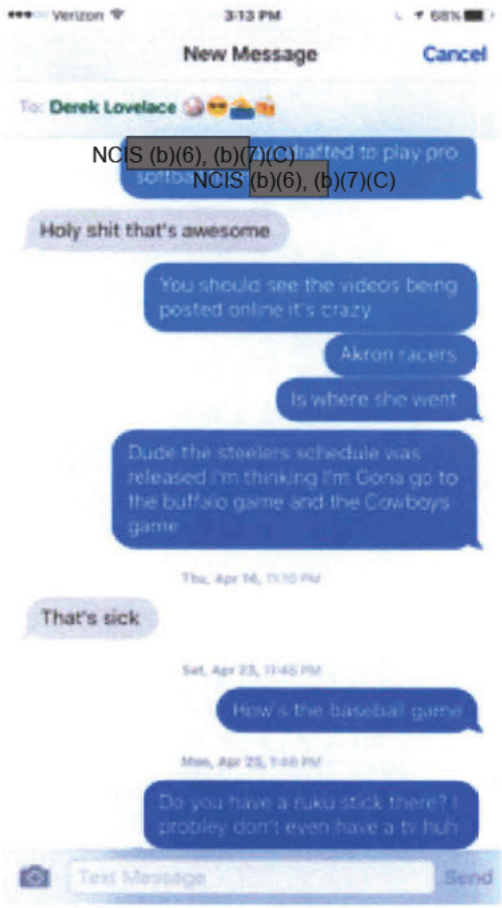
NI TITLE	CCN
V/LOVELACE, JAMES DEREK USN	06MAY16-SWND-0303-7HNA

SUMMARY

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Photograph (13) of (26)

Enclosure ( )



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V/LOVELACE, JAMES DEREK USN	06MAY16-SWND-0303-7HNA

SUMMARY

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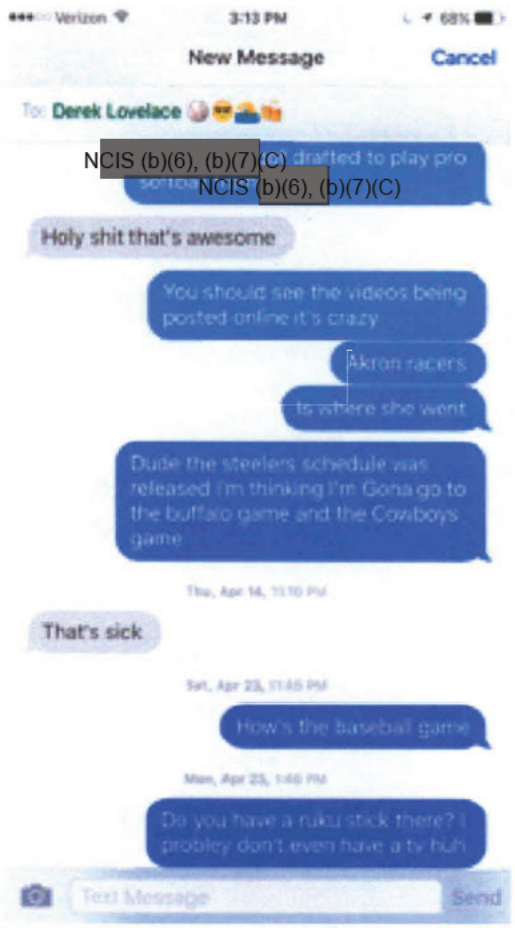
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Photograph (14) of (26)

Enclosure ( )



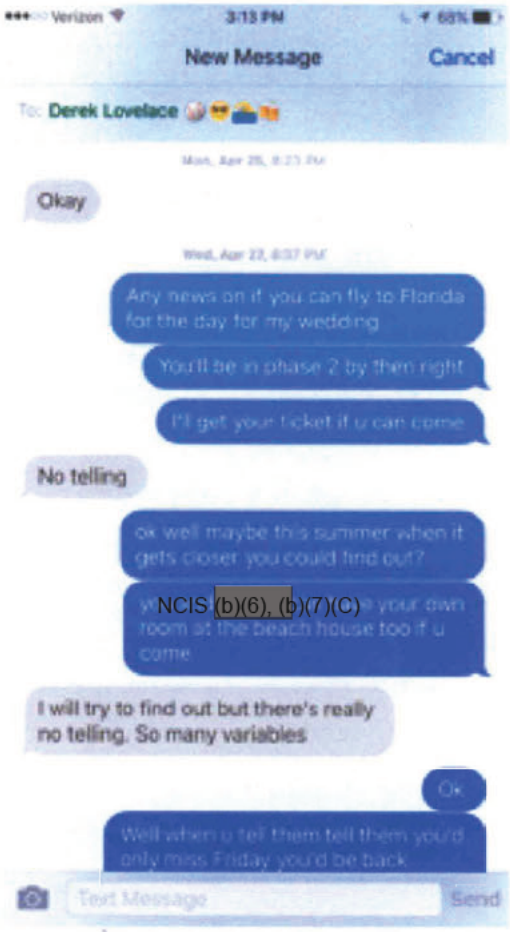
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V/LOVELACE, JAMES DEREK USN	06MAY16-SWND-0303-7HNA

SUMMARY

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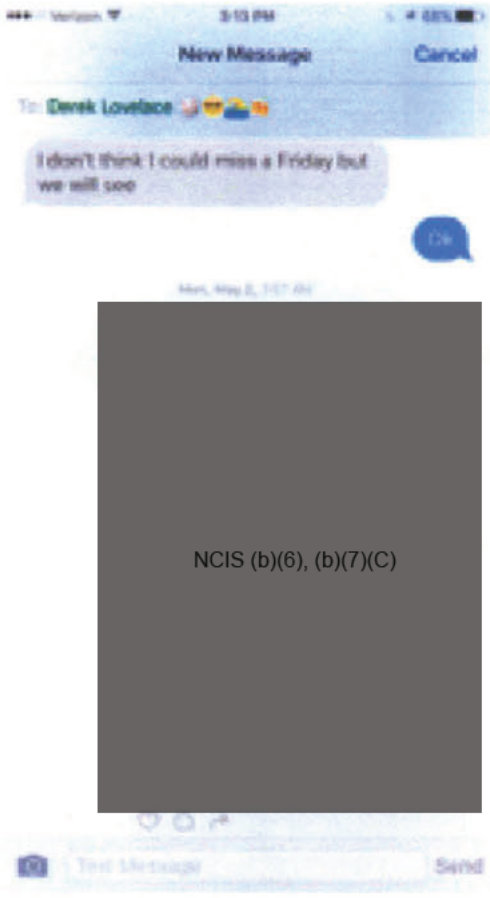
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V/LOVELACE, JAMES DEREK USN	06MAY16-SWND-0303-7HNA

SUMMARY

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INV NCIS (b)(6), (b)(7)(C)
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Photograph (16) of (26)

Enclosure ( )



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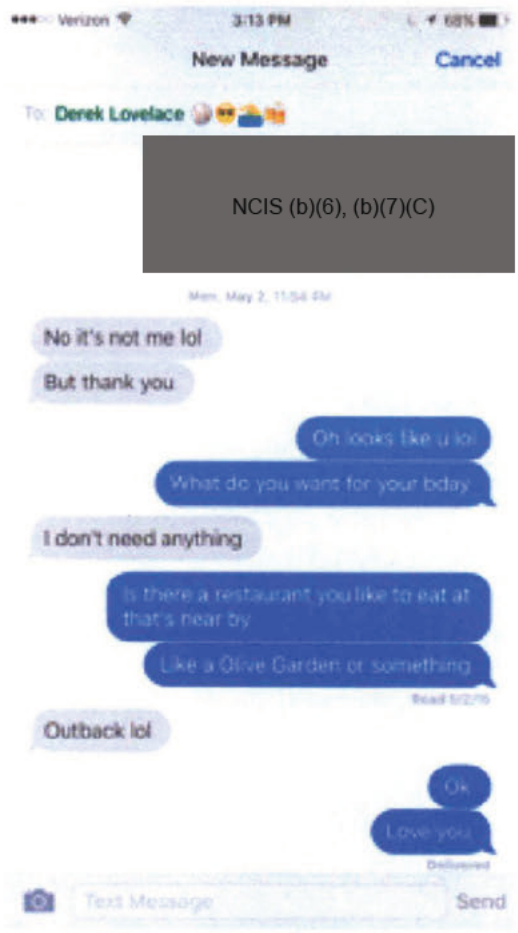
NI TITLE	CCN
V/LOVELACE, JAMES DEREK USN	06MAY16-SWND-0303-7HNA

SUMMARY

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INV NCIS (b)(6), (b)(7)(C)
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Photograph (17) of (26)

Enclosure ( )



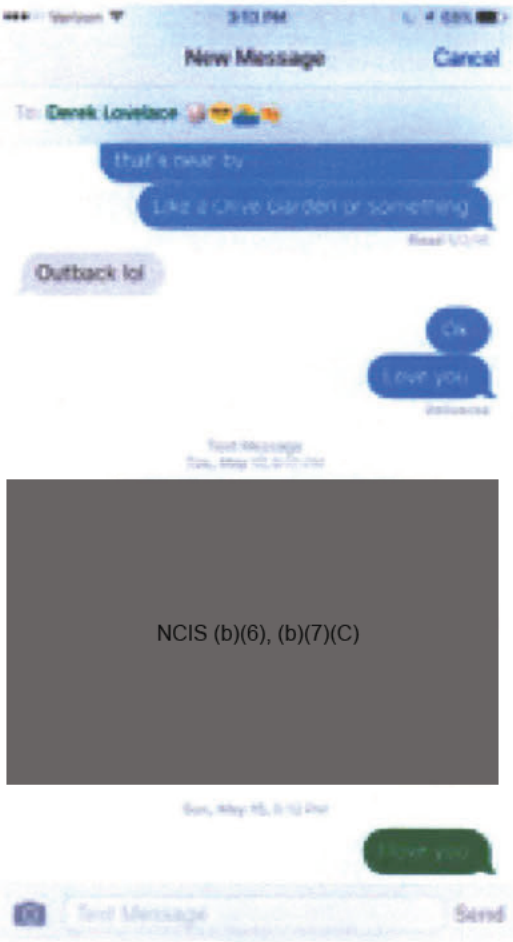
UNITED STATES NAVAL CRIMINAL INVESTIGATIVE SERVICE
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NI TITLE	CCN
V/LOVELACE, JAMES DEREK USN	06MAY16-SWND-0303-7HNA

SUMMARY

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INV NCIS (b)(6), (b)(7)(C)
PHOTO DATE:

Photograph (18) of (26) Enclosure (A)



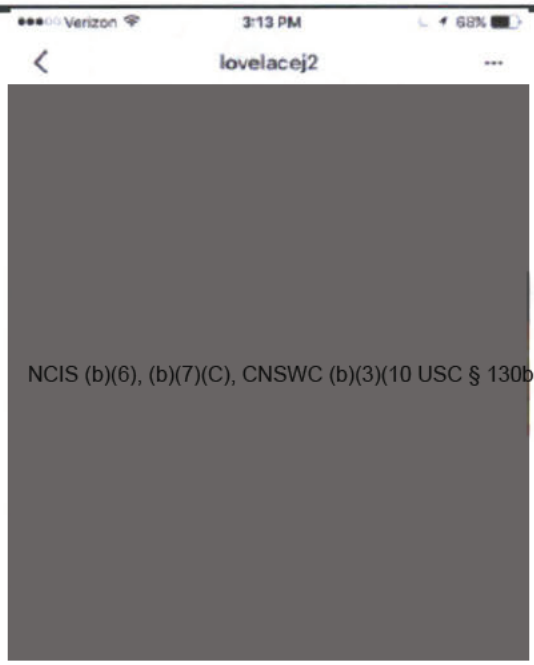
UNITED STATES NAVAL CRIMINAL INVESTIGATIVE SERVICE
RESIDENT AGENCY SAN DIEGO

NI TITLE	CCN
V/LOVELACE, JAMES DEREK USN	06MAY16-SWND-0303-7HNA

SUMMARY

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REPORTING AGENT:
INV NCIS (b)(6), (b)(7)(C)
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Photograph (19) of (26) Enclosure ( )



UNITED STATES NAVAL CRIMINAL INVESTIGATIVE SERVICE
RESIDENT AGENCY SAN DIEGO

NI TITLE	CCN
V/LOVELACE, JAMES DEREK USN	06MAY16-SWND-0303-7HNA

SUMMARY

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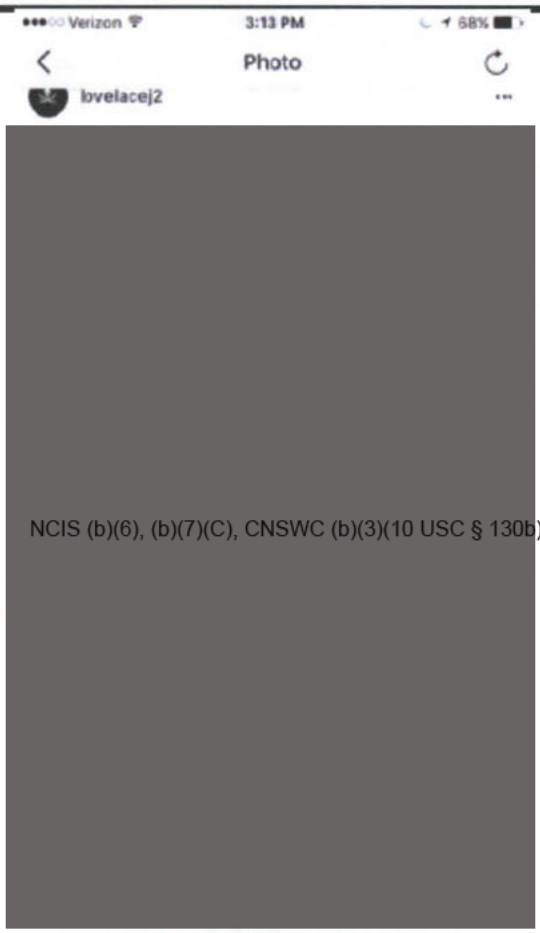
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PHOTO DATE:

Photograph (20) of (26)

Enclosure ( )



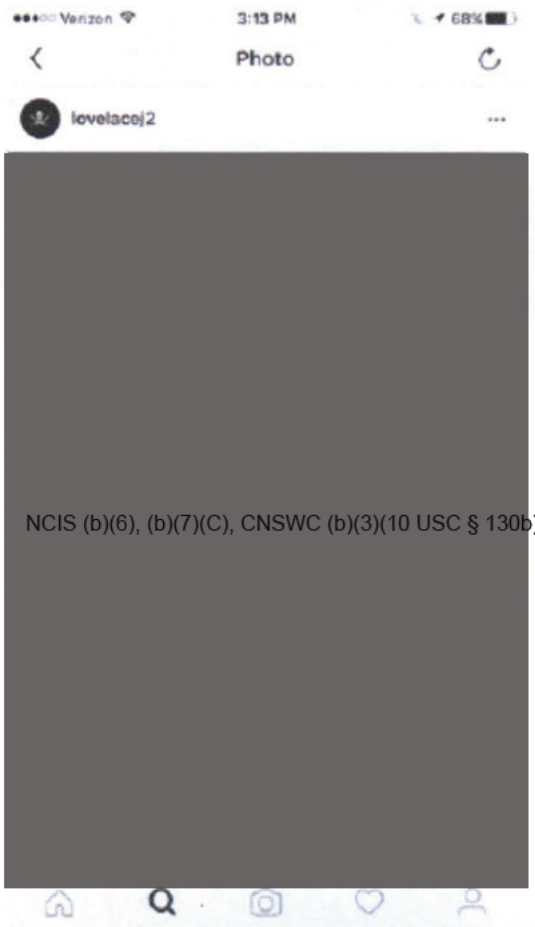
UNITED STATES NAVAL CRIMINAL INVESTIGATIVE SERVICE
RESIDENT AGENCY SAN DIEGO

NI TITLE	CCN
V/LOVELACE, JAMES DEREK USN	06MAY16-SWND-0303-7HNA

SUMMARY

PHOTOGRAPHED BY:
N/A
REPORTING AGENT:
INV NCIS (b)(6), (b)(7)(C)
PHOTO DATE:

Photograph (21) of (26) Enclosure ( )



UNITED STATES NAVAL CRIMINAL INVESTIGATIVE SERVICE
RESIDENT AGENCY SAN DIEGO

NI TITLE	CCN
V/LOVELACE, JAMES DEREK USN	06MAY16-SWND-0303-7HNA

SUMMARY

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INV NCIS (b)(6), (b)(7)(C)
PHOTO DATE:

Photograph (22) of (26) Enclosure ( )



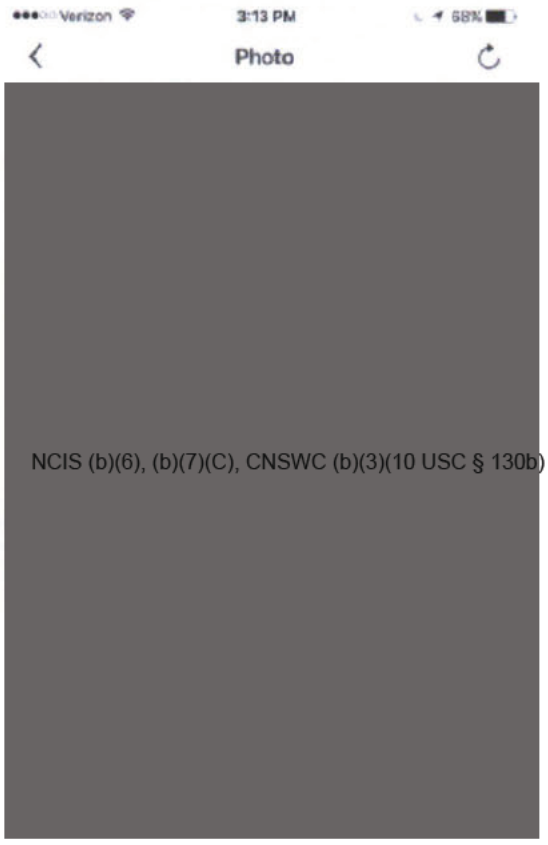
UNITED STATES NAVAL CRIMINAL INVESTIGATIVE SERVICE
RESIDENT AGENCY SAN DIEGO

NI TITLE	CCN
V/LOVELACE, JAMES DEREK USN	06MAY16-SWND-0303-7HNA

SUMMARY

PHOTOGRAPHED BY:
N/A
REPORTING AGENT:
INV NCIS (b)(6), (b)(7)(C)
PHOTO DATE:

Photograph (23) of (26) Enclosure ( )



UNITED STATES NAVAL CRIMINAL INVESTIGATIVE SERVICE
RESIDENT AGENCY SAN DIEGO

NI TITLE	CCN
V/LOVELACE, JAMES DEREK USN	06MAY16-SWND-0303-7HNA

SUMMARY

PHOTOGRAPHED BY:

N/A

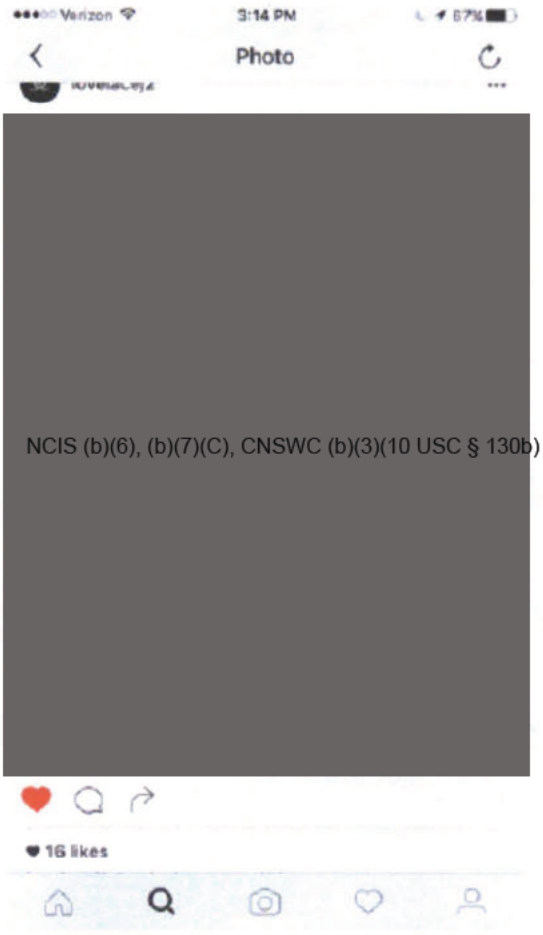
REPORTING AGENT:

INV NCIS (b)(6), (b)(7)(C)

PHOTO DATE:

Photograph (24) of (26)

Enclosure ( )



UNITED STATES NAVAL CRIMINAL INVESTIGATIVE SERVICE
RESIDENT AGENCY SAN DIEGO

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V/LOVELACE, JAMES DEREK USN	06MAY16-SWND-0303-7HNA

SUMMARY

PHOTOGRAPHED BY:

N/A

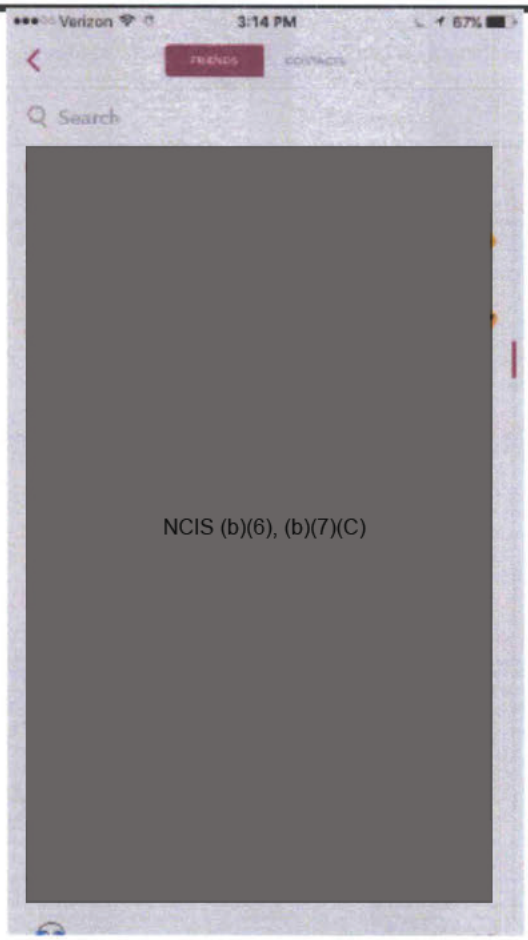
REPORTING AGENT:

INV NCIS (b)(6), (b)(7)(C)

PHOTO DATE:

Photograph (25) of (26)

Enclosure ( )



UNITED STATES NAVAL CRIMINAL INVESTIGATIVE SERVICE
RESIDENT AGENCY SAN DIEGO

NI TITLE	CCN
V/LOVELACE, JAMES DEREK USN	06MAY16-SWND-0303-7HNA

SUMMARY

PHOTOGRAPHED BY:

N/A

REPORTING AGENT:

INV NCIS (b)(6), (b)(7)(C)

PHOTO DATE:

Photograph (26) of (26)

Enclosure ( )

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 14JUN16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN

M/M/NEB/S/[redacted]/USA/FRANKFURT, GERMANY

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF INTERVIEW OF [redacted] USN

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 14Jun16, Reporting Agent (RA) interviewed [redacted] USN regarding the death of V/LOVELACE. The interview took place at NCISRA Pensacola, 821 San Carlos Road, Building 3813, aboard Naval Air Station Pensacola (NASP). [redacted] is presently attending Aviation Rescue Swimmer School (ARSS) a part of the Aviation Enlisted Aircrew Training School on NASP.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

2. [redacted] stated V/LOVELACE and other Navy Sea, Air and Land (SEAL) trainees, including him, were performing a combat water treading evolution inside a pool located aboard Naval Amphibious Base (NAB) Coronado. The evolution was described by [redacted] as "dunk appreciation" training. During this evolution, SEAL trainees are in their camouflage utility uniform and are directed to fill their dive masks with water prior to placing them on their faces. They subsequently tread water in the pool while SEAL instructors generate a chaotic environment as they are trying to find their boat crew.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

3. [redacted] stated a boat crew consisted of seven (7) SEAL trainees arranged by height and believed there were seven (7) boat crews in the pool. They all treaded water in the fifteen (15) foot deep area of the pool. [redacted] stated he could not see V/LOVELACE or any other trainees. With the mask full of water, he could not see who was near him, and only saw bodies treading water. [redacted] reported there were a handful of instructors positioned in the dive towers and three (3) to four (4) instructors inside the pool with the trainees. [redacted] stated there was also a corpsman present and a proctor.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

4. [redacted] stated he decided to quit training during the evolution. SN [redacted] stated the "drown proofing" and "treading" was too difficult and he had too much trouble finding room to breathe. [redacted] described the exercise as "chaotic" and "out of control". [redacted] stated he could hear the instructors yelling "fill your mask up!", "charge your mask!", and "find your boat crew!". [redacted] stated in addition to the kicking and splashing, the instructors were "dunking" the students. [redacted] stated some of the students were "dunked" by the instructors. [redacted] stated the purpose of the "dunking" was to break concentration and focus by pushing heads under the water.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

5. [redacted] stated he did not know approximately how long he had been in the pool before he decided to quit and was removed from the evolution. At this

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EXHIBIT (74)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) had been changed out and was on the side of the pool watching the exercise. [redacted] stated he witnessed a majority of the students struggling and observed two (2) students pulled from the pool who required medical attention. [redacted] stated he observed V/LOVELACE was experiencing difficulty walking and was observed laying on his back coughing up water; they were not returned to the pool.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated as he was observing he could see "the swarm" and noticed V/LOVELACE was "off to the side" of the pool one-on-one with an instructor. [redacted] stated he believed the instructor was [redacted] stated the attention V/LOVELACE received was extremely unusual for the exercise and assumed V/LOVELACE must have been struggling with the [redacted] V/LOVELACE being "dunked" and verbally harassed by the instructor before he was pulled out of the pool.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recalled hearing a "redline" called, however, he was unsure as to who actually called it. It was at that time when the students in the pool were instructed to get out and [redacted] students were ordered to face away from the pool, but since he already [redacted] stated he did not witnessed V/LOVELACE being pulled out of the pool, where he was laid on his back and cardiopulmonary resuscitation (CPR) was performed [redacted] stated [redacted] compressions for [redacted] stated he heard sirens, medical personnel then arrived, placed V/LOVELACE on a board, and exited the pool area. [redacted] stated the training continued and there was never a sense of panic from the [redacted] and drawn diagram showing his view of the pool area to include the location of V/LOVELACE; Enclosure (A) pertains.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) and [redacted] incident between [redacted] were slapping each others [redacted] and hit below the belt of [redacted] and in [redacted] the face. [redacted] acted like it was nothing, but later approached him during chow for a handshake.

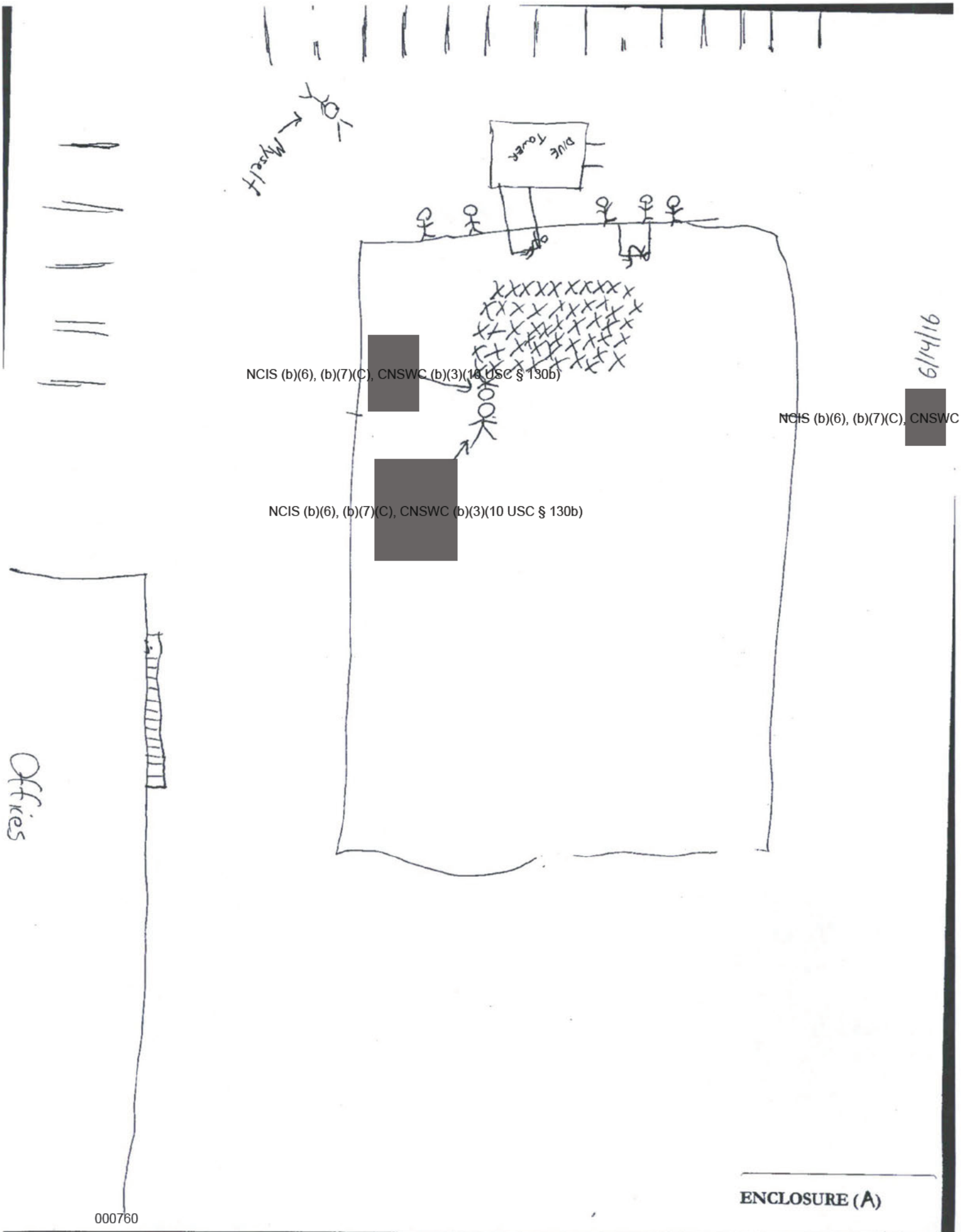
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated V/LOVELACE was a "stud" and [redacted] they had been friends since boot camp at Great Lakes, but didn't hang out as much in [redacted] were [redacted] stated V/LOVELACE did not mention any medical issues, but stated he was struggling with the "drown proofing" exercise and was always looking to stay close to the edge of the pool. [redacted] has not spoken to the media in regards to SEAL training or the death of [redacted] on leave the last week of May to visit friends and family and did discuss the death of V/LOVELACE.

ENCLOSURE(S)
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) AERIAL DIAGRAM OF POOL AREA/14JUN16

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REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY PENSACOLA

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Myrtle
Blue Tower
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
6/14/16
NCIS (b)(6), (b)(7)(C), CNSWC (b
Offices

ENCLOSURE (A)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 15JUN16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN

1. On 14Jun16, Reporting Agent (RA) interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN regarding the death of V/LOVELACE. The interview took place at NCISRA Pensacola, 821 San Carlos Road, Building 3813, aboard Naval Air Station Pensacola (NASP). NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) is currently attending Aviation Rescue Swimmer School (ARSS) a part of the Aviation Enlisted Aircrew Training School on NASP.

2. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated V/LOVELACE and other Navy Sea, Air and Land (SEAL) trainees, including him, were performing a combat water treading evolution inside a pool located aboard Naval Amphibious Base (NAB) Coronado. The evolution was described by NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) as "mask appreciation" training. During this evolution, SEAL trainees are in their camouflage utility uniform and are directed to fill their dive masks with water prior to placing them on their faces. They subsequently tread water in the pool while SEAL instructors generate a chaotic environment as they are trying to find their boat crew.

3. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated a boat crew consisted of seven (7) SEAL trainees arranged by birthday. They all treaded water in the fifteen (15) foot deep area of the pool. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he could not see V/LOVELACE or any other trainees. With the mask full of water, he could not see who was near him, and only saw bodies treading water. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated there were a handful of instructors positioned in the dive towers and three (3) inside the pool with the trainees.

4. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he decided to quit training during the evolution NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated the exercise was "overwhelming" and he realized he was in over NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) described the exercise as "crowded", "every man for himself", and "not enough room to breathe" NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated the instructors were yelling directions and commands intended to invoke chaos. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he was never "dunked" nor did he observe other students being NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated the instructors would grab the students by their shirts and pull them under water in an attempt to shake their focus.

5. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he did not know approximately how long he had been in the pool before he decided to quit and was removed from the evolution. At this point, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was on the side of the pool observing the NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated V/LOVELACE was "off to the side" of the pool one-on-one with an instructor. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated this was not unusual for

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EXHIBIT (75)

the exercise and assumed V/LOVELACE must have been struggling with the "t[illegible]" NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) witnessed a majority of the students struggling, but never saw anyone needing medical attention until V/LOVELACE was pulled from the pool.

6. [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recalled hearing a "redline" called, however, he was unsure as to who actually called it. It was at that time when the students in the pool were instructed to get out and sit [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated the students were ordered to face away from [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) witnessed V/LOVELACE being pulled out of the pool and was laid [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated cardiopulmonary resuscitation (CPR) was performed and an automated external defibrillator (AED) was [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) medical personnel arrived and departed with V/LOVELACE [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) the training continued and they were notified by a Lieutenant (NFI) in regards to the passing of V/LOVELACE [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) hand drawn diagram showing his view of the pool area to include the location of V/LOVELACE; Enclosure (A) pertains.

7. [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he never had any issues with the instructors and never witnessed any verbal or physical [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) intense personalities of the instructors were conducive to the rigorous training environment.

8. [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE was "one of the best" and "good at everything." NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated they were rack mates in boot camp at Great Lakes and occasionally ate out in [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE did not mention any medical issues, but stated he was struggling with the "treading" and would often say "I will die before I [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he has not spoken to the media in regards to SEAL training or the death of V/LOVELACE [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) maintains no social media presence and only spoke of V/LOVELACE's death with NCIS (b)(6), (b)(7)(C)

ENCLOSURE(S)
(A) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) HAND DRAWN AERIAL DIAGRAM OF POOL AREA/14JUN16

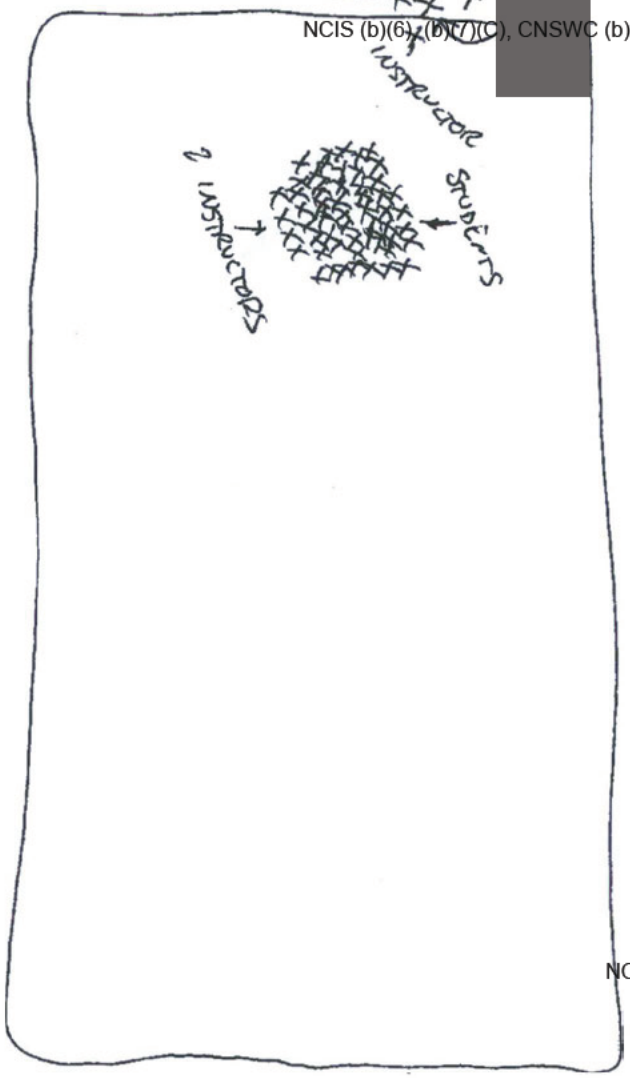
REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY PENSACOLA

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NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)



NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC §

14 JAN 16

ENCLOSURE (A)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 17JUN16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 14Jun16, Reporting Agent (RA) interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) regarding the death of SN James Derek LOVELACE (V/LOVELACE), USN. The interview took place at NCISRA Pensacola, FL aboard Naval Air Station Pensacola (NASP) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) currently attending Aviation Rescue Swimmer School (ARSS) aboard NASP.

2. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recalled on 06May16, his class at Basic Underwater Demolition/SEAL (BUDS) training was performing evolutions in the Combat Training Tank (CTT). The class was split into two groups. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was a part of was the first to perform the "Beehive", which was described as a large number of trainees in the deep end of the pool being pushed into a tight group, and "Combat Tread" which was described as water survival methods while in uniform. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recalled V/LOVELACE being a part of his group. The other group of trainees were waiting near the shallow end of the pool.

3. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he was in the pool with V/LOVELACE during the "beehive' portion of the evolution until he dropped after being stuck under NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) described the "beehive" as chaos where everyone was fighting to stay NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recalled being stepped on and pushed down by other trainees who were fighting NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was outside the pool observing with NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Also on the deck near the dropouts were NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) who were at the medics undergoing NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) taken from the corpsman.

4. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recalled seeing V/LOVELACE in the "beehive" and doing a good job of fighting through it until he was singled out by Instructor "FNU" NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he observed the instructor holding and dunking V/LOVELACE NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE by pushing down on his shoulder or head and splash large amounts of water in his face as he came up for air.

5. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated "Redline" was called but unsure who called it. When the "redline" was called, V/LOVELACE was in front of NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) and had to be pulled out of the pool. Everyone was instructed to muster at the opposite end of the pool, take a knee and look away. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) advised the instructors began doing cardiopulmonary resuscitation (CPR) on V/LOVELACE NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) they could hear the emergency vehicles coming and going but did not see what was happening because the instructors

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EXHIBIT (76)

kept them distracted and looking away.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) advised he did not have any instructors being overly aggressive with him but did state NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)s on V/LOVELACE. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) described someone who would focus on one trainee at a time, particularly in the water, described Instructor "ENU" NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) as being almost as aggressive as by nurse NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated the evolution they were a part of was tough and everyone knew it. Also, the instructors were all good except one guy who was a "dirt bag and always will be a dirt bag" NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) instructor advised he would look up and his history and also talk to class three hundred eighteen (318) because they had a similar situation occur but the trainee was resuscitated. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) also advised to check the camera which records activity in the pool and is mounted on the building.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) provided a hand drawn diagram of the pool area and the location of individuals during the incident; Enclosure (A) pertains. Utilizing the diagram, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) where everyone was and drew arrows to indicate where individuals went when the "redline" was called. The diagram show the "beehive" had occurred on the west side of the pool in the fifteen foot deep water. The medic/corpsman were set up on the north area of the west side of the pool to provide assistance. The pool was fenced in with the exception of the south side where the building was located. The "redline" phone was at the southwest corner of the building. When NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) arrived they were standing on the south area of the west side of the pool. The second group awaiting their rotation to the deep end was waiting near the northeast side of the pool with a few of them members of the group in the shallow water side of the pool. When the "redline" was called, all members of both groups were sent to the east end of the pool and told to take a knee facing away. V/LOVELACE was pulled from the pool near the area the medics/corpsman were staged. When the ambulance arrived, they took V/LOVELACE utilizing the entrance/exit to the street in the southwest corner of the pool area.

ENCLOSURE(S)
(A) HAND DRAWN DIAGRAM PROVIDED BY NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) 14JUN16

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY PENSACOLA

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EAST
NORTH
SOUTH
NOT TO SCALE
REDLINE MUSTER
STORAGE
SECOND GROUP MUSTER
RUN IN WATER 4 FT
9 FT
15 FT
REDLINE/PHONE
OFFICES
EXIT STREET
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

ENCLOSURE (A)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 15JUN16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

RECEIPT AND REVIEW OF V/LOVELACE'S PRE-HOSPITAL EMS REPORT FROM CITY OF CORONADO

1. On 15JUN16, Reporting Agent (RA) received an email from NCIS (b)(6), (b)(7)(C) indicating the records requested on 10JUN16 were available for electronic delivery once payment was received. The aforementioned records were the Pre-Hospital EMS Report from the City of Coronado. RA submitted payment and was able to view and save the records. As background, NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) voluntarily provided a signed letter requesting the records to be released to NCIS. RA submitted the letter along with the request for the documents on 10JUN16.

2. On 16JUN16, RA submitted electronic payment for $25.00 to NCIS (b)(6), (b)(7)(C) and was able to download the eight page report. Enclosure (A) pertains. The report number for this incident is 2016-052830. The report's first page is separated into four sections: INFO (basic biographical information for V/LOVELACE), BILLING (insurance name), INCIDENT (victim description, cardiac arrest, responding medical crew), and TRANSPORT (specifics of mileage from location of V/LOVELACE to hospital, how transported to ambulance, patient position, etc.). NCIS (b)(6), (b)(7)(C) CIV, Paramedic, City of Coronado Fire Department, Coronado, CA, appears to be the author of the narrative and other portions of the report as his signature appears on page five. Also included in the report is a narrative of "History," "Assessment," "Rx," and "Transport." Within the report is a section for V/LOVELACE's vitals, questions, procedures, medication, EKG (echocardiogram), trauma, Cardiac Arrest, signatures, and a timeline of the response.

ENCLOSURE(S)
(A) V/LOVELACE PRE-HOSPITAL EMS REPORT CITY OF CORONADO/06MAY16

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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EXHIBIT (~~77~~)

Pages 768 through 775 redacted for the following reasons:
- -
Enclosure (A) to Exhibit (77): Contact Coronado Hospital to obtain

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 15JUN16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN

M/[redacted]/[redacted]/25MAY84/FRANKFURT, GERMANY

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF INTERVIEW WITH INSTRUCTOR QUALIFICATION COURSE TRAINERS

1. On 15JUN16, Reporting Agent (RA) met with [redacted], Director, Instructor Qualification Course (IQC), and [redacted], Command Historian, both from Naval Special Warfare (NSW) Center, Naval Amphibious Base (NAB), Coronado, CA, to determine if the training provided to (if any) NSW High Risk Instructors includes instruction and guidance on how instructors are to interface with students during the Combat Swimmer Orientation training and other training evolutions specifically relating to physical contact.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

2. [redacted] explained the training for the IQC, which is a 19-day training [redacted] consists of public speaking and how to address a class or command and how to brief people, "We train how to instruct, how to brief the evolutions, its not evolution specific."

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

[redacted] that there is a session during the course on liability, however they use historical vignettes to illustrate potential of what could happen during any type of training. [redacted] elaborated that due to there being sixty-three weeks for the entire SEa Air Land (SEAL) training pipeline, each evolution has different requirements, each building on previous evolutions. [redacted] stated they provide the basis for the instructors to know how to and what to brief tailored to the specific training, not how to conduct each specific training.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

3. RA asked specifically if there was any discussion at any point in the IQC about physical contact or even abuse or assault of students in training. [redacted], NSW Center Commanding Officer (CO), stated [redacted] brief during the IQC about instructors not harming the students and to supervise them properly. [redacted] stated they emphasizes total responsibility during the training and that sometimes the unexpected can happen.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

4. [redacted] stated they needed to emphasize that these are "High Risk" training and that the nature of their jobs makes the SEALs' version of high risk training different from non-SEALs. It is common for the instructors to use their own reference from when they went through training and their real-life experiences when they execute the training evolutions. [redacted] stated that some things in the training may have changed from when an instructor went through BUD/S training, but they may not have "gotten the memo." During the IQC, they try to sensitize the instructors to this facet so the instructors are

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

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EXHIBIT (78)

aware of potential changes. They also teach the instructors to document and the reasons to document, specifically in the case of an incident that warrants an investigation.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated there are variables in how a training evolution can be executed. Of these variables are the brief itself, both written and verbal. A brief can be written poorly, but briefed well or vice versa. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) and RA talk with the instructor who gave the pre-brief for the Combat Swimmer Orientation from 06MAY16, the evolution in which V/LOVELACE had difficulties and later died. They also informed RA that there should be a record of all who attended the pre-brief but it may be unlikely there is a record of historical briefs as they do not tend to keep them. They went on to say the reason a brief would be kept would be if there was a remarkable incident during the evolution, then the brief is needed as part of the official record until the evolution is "cleared."

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated individuals who create the curriculum for the evolution would be someone with whom to discuss specifics of the inner-workings of the evolution such as degree of physical contact an instructor can have with a student. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) then went to the curriculum department to see if someone was available to talk with RA; however, they were unavailable at this time. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) suggested RA talk with someone from the training department for the Basic Training Center to see if there was some documentation on the rules of instructor conduct and physical contact with students. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated they would be available for questions or follow-up in the future.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 15JUN16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF MEETING WITH NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) INSTRUCTION SYSTEM SPECIALIST,
AND SEAL INSTRUCTOR NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 15JUN16, Reporting Agent (RA) met with NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Instruction Systems Specialist, Naval Special Warfare (NSW) Basic Training Center (BTC), Naval Amphibious Base (NAB), Coronado, CA, to determine if there is any other policy or instruction referenced in previously provided instructions that contains the rules for instructor physical engagement with students during Basic Underwater Demolition/SEa Air and Land (SEAL) also known as BUD/S training, specifically the Combat Swimming Orientation (CSO) evolution.

2. RA specifically requested any policy documentation within NSW that has definitions for some of the language used in the evolution pre-brief and curriculum for the CSO. The word in question was "adverse" which is used in the CSO curriculum and the CSO Evolution Brief Sheet which informs instructors to create an "adverse environment" for the students. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) unaware from where the use of the word "adverse" originated but believed it to be from the instruction for the overall Combat Swimmer Instruction. RA informed NCIS already had a copy of it and there was no definition of "adverse" contained within it. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) there may be instruction in Physical Safety, or mention of what constitutes physical abuse in the SEAL Remediation Manual. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) may possibly be some sort of definition or more detail in a more hands-on evolution, such as the drown-proofing evolution.

3. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b), Contractor SEAL Instructor, Continuous Leadership Development Instructor, NSW BTC, overheard the conversation held between RA and NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he agreed the word "adverse" was subjective but believed the instructors who proffer the evolution would have learned what constitutes "adverse" during their "Core Unique Instructor Training," or "CUIT". NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) should be "remediation cards" which define the levels of what the limits of conduct/contact are. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) POIC (Petty Officer In Charge) of the CSO evolution on 06MAY16 would have been the individual who conducted the pre-brief for the instructors that day and the POIC should have the definition and know whether or not this topic was specifically briefed that day.

4. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) would email RA the NSW BTC Remediation Manual (NSWBASICTRACOM Instruction 1500.2A; Instructor Performance and Remediation Guidance for SEAL and SWCC Basic Pipeline Training) and the curriculum for

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EXHIBIT 79

the drown proofing evolution. NCIS (b)(6), (b)(7)(C), CNSWC (a)(3)(10 USC § 130b) be available to assist with locating and providing other instructions or guidance documentation as requested. On 15JUN16, RA received the aforementioned items and they are appended as Enclosures (A) and (B). In the Remediation Manual, section 6.e discusses inappropriate remediation as hazing and that can be punishable by the Uniform Code of Military Justice and does not have to involve physical contact. Section 8.b.(1) and (2) states: "Physical contact with students is permitted in the following circumstances: (1) When a student's or staff member's safety is at risk. (2) When required in the course of an approved training evolution e.g. lifesaving, in accordance with curriculum." In the Drown Proofing evolution brief sheet, there is no mention of contact with students or staff; though there is a section for Emergency Action Plans and Safety/Support Personnel Positions. There is also no definition of the word "adverse."

ENCLOSURE(S)
(A) NSWBASICTRACOM INSTRUCTION 1500.2A/18JUN15
(B) NSW DROWN PROOFING EVOLUTION BRIEF SHEET/MAR16

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

NCIS (b)(6), (b)(7)(C)

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Pages 780 through 795 redacted for the following reasons:
- -
Enclosures (A - B) to Exhibit (79): Referred to Naval Special Warfare Command

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 16JUN16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

RECEIPT OF MEDICAL RECORDS FOR NCIS (b)(6), (b)(7)(C) CIV

1. On 07Jun16, Reporting Agent (RA) contacted NCIS (b)(6), (b)(7)(C) CIV, NCIS (b)(6), (b)(7)(C) RA explained the investigation and requested the medical records of NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C)

2. RA asked if the Medical Examiner had compiled medical records from NCIS (b)(6), (b)(7)(C) primary doctor NCIS (b)(6), (b)(7)(C) stated they review the records they are able to obtain but do not keep them on file as they are used to generate more in-depth reports. RA requested a copy of the generated reports and NCIS (b)(6), (b)(7)(C) stated she had the conclusive autopsy report, toxicology report, investigation report, and prescription list for NCIS (b)(6), (b)(7)(C) stated she would submit the paperwork to records for processing and they would be emailed to RA.

3. On 16Jun16, RA received electronic copies of the aforementioned reports; Enclosures (A-B) pertain. Of note, RA did not have to provide any signed medical release waivers to the Medical Examiner's office. RA placed the signed copies from NCIS (b)(6), (b)(7)(C) in the notes section of the case file should additional lead tasking be requested.

ENCLOSURE(S)
(A) CONCLUSIVE AUTOPSY AND TOXICOLOGY REPORT OF NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) 16JUN16
(B) REPORT OF INVESTIGATION AND PRESCRIPTION LIST OF NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) 16JUN16

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY PENSACOLA

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EXHIBIT (80)

Pages 797 through 816 redacted for the following reasons:
- -
Enclosures (A - B) to Exhibit (80): NCIS (b)(6), (b)(7)(C), Withheld, Indifference to the family

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 27JUN16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3) 10 USC § 130b KFURT, GERMANY

SUMMARY OF INVESTIGATION FOR COUNTY OF SAN DIEGO OFFICE OF THE MEDICAL EXAMINER

1. On 22JUN16, Dr. NCIS (b)(6), (b)(7)(C) CIV, Deputy Medical Examiner, County of San Diego Office of the Medical Examiner, San Diego, CA, requested a specific summary of the NCIS investigation into the death of V/LOVELACE. Enclosure (A) pertains.

ENCLOSURE(S)
(A) SUMMARY OF V/LOVELACE DEATH INVESTIGATION/27JUN16

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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EXHIBIT (82)

SUMMARY OF NCIS DEATH INVESTIGATION FOR V/LOVELACE

UNCLASS//FOUO

1. On 06MAY16 at 1300, the Basic Underwater Demolition/SEAL (BUD/S) class 319 was participating in the Combat Swimmer Orientation (CSO) training evolution at the pool, known as the Combat Training Tank (CTT) aboard Naval Amphibious Base (NAB) Coronado, CA. At approximately 1340, Seaman (SN) Derek LOVELACE (V/LOVELACE) was taken out of the CTT by a SEAL instructor. V/LOVELACE was immediately treated by the Corpsman and others on the deck of the CTT. V/LOVELACE became unresponsive and CPR was initiated. 911 was called and V/LOVELACE was taken via ambulance to Sharp Coronado Hospital, Coronado, CA where he was pronounced dead at 1436.

2. The CSO training evolution was created to establish a baseline of the student's comfort in the water while performing simple gear manipulation with masks covering the eyes and nose (goggles) full of water. The students are to tread water in 15 feet of water in full camouflage pants, shirt and boots. There is a safety requirement of having one instructor to every 15 students. Seven instructors (safety swimmers) were in the pool that day with several other instructors on the deck and observing from the diving platform. Instructors are required to create "an adverse environment," which was defined by instructors as yelling and splashing at the students while keeping them within the 15 foot end of the CTT. All instructors interviewed stated there is no dunking or holding the students underwater permitted and they are only to put hands on a student for safety reasons (pull up from the water, take them out of the CTT), and to apply stimuli such as a slap to the face if a student appears unresponsive. Instructors were briefed prior to the evolution about an Emergency Action Plan specifically for "Life Threatening Injuries- Hypoxia and near drowning." Total time for a complete evolution is normally 45 minutes.

3. Instructors in and out of the CTT and Students in the CTT during the training evolution were interviewed. Several people stated they saw V/LOVELACE struggling to keep his head above the water and was having a hard time treading. Many students and instructors stated they did not notice V/LOVELACE in the CTT at all either due to obscured vision (water in the mask) or they were paying attention to their directives. Many described the color of V/LOVELACE's face as "purple," or "red." One instructor standing on the deck of the CTT stated V/LOVELACE's lips appeared blue in color. Other instructors stated when they saw V/LOVELACE struggling, they pointed him out and directed a safety swimmer instructor to tend to him. Several students in the water said they heard the instructor say, "That guy doesn't look so good," or, "He looks bad. He's in trouble." This safety swimmer instructor swam to him and stayed with him for approximately (6) minutes. During this time with V/LOVELACE, several students stated the safety swimmer instructor was splashing him in the face, following him and dunking his head underwater. One student saw V/LOVELACE was struggling and swam to him and tried to pull him up and away from the safety swimmer instructor. According to the student, the safety swimmer instructor yelled at him for swimming underwater and told him not to do it, to which the student let go of V/LOVELACE. Another student said he heard the safety swimmer instructor yelling,

ENCLOSURE (A)

thought the safety swimmer instructor was yelling at him and when he turned, saw the safety swimmer instructor was yelling at V/LOVELACE whose face was "really purple." This student contemplated calling a "training time out" which would have stopped the exercise but he was afraid of the safety swimmer instructor focusing his attention on him. Another student said he tried talking to V/LOVELACE to instruct him to get into their directed formation but V/LOVELACE "did not respond or speak." For those who stated they saw V/LOVELACE immediately after he was pulled from the pool, most say he was moving and appeared conscious, others said he appeared unconscious.

4. Instructors who assisted in the lifesaving efforts of V/LOVELACE were interviewed. According to the Corpsman, V/LOVELACE was initially moaning and little movement was present. She lifted his eyelids and saw his eyes tracking her. He did not respond to sternal rubs and face slaps (stimuli). Oxygen via a non-rebreather was placed on him. He was placed on his right side and "water came out of him," after approximately 90 seconds of 100% oxygen therapy, his breathing became labored and 911 was called, then he was not breathing (at approx. 1344) and CPR was initiated. She stated in the time it took her to tell the others to call 911 and look back at V/LOVELACE, his body became limp, he had a weak pulse and no rise and fall of his chest. Two AED shocks were conducted on V/LOVELACE while on the side of the CTT and epinephrine was administered when the fire department arrived. Another instructor stated V/LOVELACE coughed up "pink sputum." Another instructor stated V/LOVELACE was unconscious and unresponsive while he conducted CPR on him and never regained consciousness. A few other instructors recalled seeing V/LOVELACE's eyes open when he was taken out of the CTT and made audible though not coherent sounds.

5. In a review of V/LOVELACE's Navy medical records, the following information was gleaned: On 30NOV15, in a section called "PROBLEMS," subsection "active problems," it stated, "Family history of NCIS (b)(6), (b)(7)(C) Under medications, it was noted V/LOVELACE had a history of taking NCIS (b)(6), (b)(7)(C) from OCT14-JUN15. This medication is used for NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) V/LOVELACE's echocardiogram (EKG) performed on 16DEC15 provided the result as NCIS (b)(6), (b)(7)(C) It was also noted that NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) V/LOVELACE was categorized as having "high" levels of NCIS (b)(6), (b)(7)(C) and low density NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) V/LOVELACE had a surgery on NCIS (b)(6), (b)(7)(C) in 2014 and reported pain in his NCIS (b)(6), (b)(7)(C) 19APR16. V/LOVELACE's heart was described of being normal size. A review of NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C)

6. Interviews of instructors at the Naval Special Warfare (NSW) Preparatory School at Naval Station Great Lakes, IL, were conducted. V/LOVELACE was described as a "below average swimmer," who, during a swim tread training on 22MAR16, scored a 4 out of 5 (5 being the lowest one could attain). No one recalled V/LOVELACE ever being pulled from the pool or receiving medical treatment. No one recalled V/LOVELACE ever vomiting on all fours after water tread training and stated such an event would have been documented. In V/LOVELACE's personnel records from the training center, he wrote, "The swim evolutions were most beneficial to me because I needed work in the pool. My swim times have improved as well as comfortability (sic)." Several students who were at the NSW Preparatory

School with him said V/LOVELACE's weakest activity was treading water but he was excellent in every other physical activity.

7. A video recording of the swim evolution was recovered from the CTT. A resolution enhancement of the video was completed. The review of the two angles covering the 15 foot area of the pool and surrounding pool deck was completed.

8. TIMELINE OF VIDEO

At 13:17:44, the BUD/S students get into the CTT and begin the CSO evolution with goggles full of water. They are at the southwest end of the pool.

At 13:36:08, an Instructor at the highest dive platform points to the group of students in a mass at the north end of the CTT. Soon after, the other Instructor who is next to the first instructor also points in the same area.

At 13:36:28, the Safety Swimmer Instructor with no shirt on and dark hair with a red flotation board begins to swim into the mass of students (where V/LOVELACE is though it is hard to see him due to the quality of the video).

At 13:36:34, it appears as if the Safety Swimmer Instructor uses his right hand to dunk V/LOVELACE's head under water. This Safety Swimmer Instructor then stays with V/LOVELACE and it is easier to follow them.

At 13:36:38, it appears as if V/LOVELACE's head emerges from the water. The Safety Swimmer Instructor is with V/LOVELACE and is splashing him in the face and using his red flotation board to create waves of water in front of V/LOVELACE's face. They are at the northeast end of the 15 foot section of the CTT.

At 13:37:02, the Safety Swimmer Instructor (#1) is splashing V/LOVELACE in the face while another Safety Swimmer Instructor (#2) is splashing him from behind.

At 13:37:29, V/LOVELACE begins swimming toward the south end of the CTT. Safety Swimmer Instructor #1 is following directly behind him.

At 13:37:40, V/LOVELACE is treading/swimming backward toward the south end of the CTT (along the east end of the 15 foot area). Safety Swimmer Instructor #1 is swimming toward him, using the flotation device to splash him in the face.

At 13:38:15, another student at the south end of the pool notices V/LOVELACE and swims underwater to him. The student grabs V/LOVELACE by the back collar of his blouse and pulls him southward.

At 13:38:24, the Safety Swimmer Instructor #1 pushes his flotation device into the back of V/LOVELACE's head.

At 13:38:26, Safety Swimmer Instructor #1 uses his right hand and hooks around from behind V/LOVELACE and pushes V/LOVELACE's head underwater.

At 13:38:36, V/LOVELACE begins swimming backward toward the north end of the CTT, along the east end of the 15 foot section of the pool. Safety Swimmer Instructor #1 is behind him.

At 13:39:21, Safety Swimmer Instructor #1 uses his right hand to pick up V/LOVELACE by the left shoulder as V/LOVELACE was underwater.

At 13:39:24, Safety Swimmer Instructor #2 splashes V/LOVELACE from behind.

At 13:39:56, V/LOVELACE is underwater, Safety Swimmer #1 is above him using float to create waves.

At 13:40:04, Safety Swimmer #1 picks up V/LOVELACE from under the water.

At 13:40:05, Safety Swimmer #1 pushes V/LOVELACE away eastward.

At 13:40:09, Safety Swimmer #1 continues to make waves and splash V/LOVELACE.

At 13:40:14, Safety Swimmer #1 appears to pick up V/LOVELACE again.

At 13:40:18, Safety Swimmer #1 lets go of V/LOVELACE.

At 13:40:54, Safety Swimmer #1 hands off his flotation device to another safety swimmer instructor and goes underwater. At this time, numerous students are underwater, possibly removing their boots as instructed as part of the training.

At 13:41:08, Safety Swimmer #1 emerges from the water and gets his float back. At this time, it is difficult to determine the location of V/LOVELACE as there are several other students in the area.

At 13:42:21, Safety Swimmer #1 tows V/LOVELACE to the west end of the CTT edge, north of the dive platforms.

At 13:42:33, V/LOVELACE is lifted out of the CTT and attended to.

At 13:44:07, an instructor who was with the group attending to V/LOVELACE runs to the south end of the CTT deck and stands by the phone waiting and watching the group north of the dive platform.

At 13:44:58, this instructor picks up the phone and calls 911.

At 13:45:12, students in the CTT are instructed to get out and they begin swimming toward the west end of the CTT.

At 13:45:19, another instructor runs from the group attending to V/LOVELACE to the south end of the CTT deck and grabs two medical gear bags and runs back to V/LOVELACE.

At 13:46:08, last student gets out of the CTT.

At 13:49:50, Emergency Medical Services from Federal Fire Department arrive.

At 13:57:17, Emergency Medical Services from City of Coronado arrive.

At 13:58, V/LOVELACE is transported to the ambulance and to Sharp Coronado Hospital.

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 24JUN16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

RESULTS OF INTERVIEW: NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 24JUN16, Reporting Agent (RA) met with NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Naval Special Warfare (NSW) Center (CEN), Naval Amphibious Base (NAB), Coronado, CA. As background, according to V/LOVELACE's Navy medical NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE on 19APR16. The record showing V/LOVELACE's treatment on this date stated the record had been amended and NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) three days after V/LOVELACE's death. Enclosure (A) pertains.

2. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) a printed copy of the deleted/amended record NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) advised as the narrative portion of the record was in a Greek font and stated he had never seen or used that particular font and stated he was uncertain if he could even change the font from English to the one on the record. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was uncertain as to why this record would have been amended or deleted and stated when he does amend a record, the record shows the original item with the amendment above it and this particular record did not show this change. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he never deletes a record, he only amends it. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he did not recall seeing V/LOVELACE for any treatment.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) showing RA the record online in his office to see if the record appeared in the same font as the printed copy. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) logged into the Electronic Health Record called AHLTA (NFI) where he was able to log into V/LOVELACE's record. The date in question, 19APR16 was available for review. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) font was still in English and the amendment was above it as he described before. Based on seeing the record on the computer, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) event was re-established.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he treated V/LOVELACE for NCIS (b)(6), (b)(7)(C) and ordered an x-ray. However, based on the volume of patients he treats daily, IS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) accidentally put in the treatment for another patient who was seen the same day for NCIS (b)(6), (b)(7)(C) stated that apparently on 09MAY16, his Commanding Officer, CAPT NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) S (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NSWCEN, NAB, Coronado, CA, may have been reviewing V/LOVELACE's records and found the discrepancy in the symptoms and diagnostics (NCIS (b)(6), (b)(7)(C) and x-ray) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) prescribe an x-ray for the injury. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) when he noticed the error and he entered the system to delete the erroneous NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) acknowledged he misspoke when he initially stated he never deletes a medical record and stated this was a time when NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) printed a copy of

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EXHIBIT (83)

the legible record showing the erroneous entry and the actual entry. On the copy, it states: "NOTE- THE WRONG SF600 FROM NSWCEN MEDICAL DATABASE WAS INITIALLY COPIED INTO THIS APPOINTMENT. CORRECTED NOTE BELOW PLACED 9MAY16." Enclosure (B) pertains.

ENCLOSURE(S)
(A) V/LOVELACE's Medical Record With Greek Lettering/17MAY16
(B) Complete Medical Record for V/LOVELACE's Treatment on 19APR16/19APR16

REPORTED BY: NCIS (b)(6), (b)(7)(C), Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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Pages 825 through 827 redacted for the following reasons:
- -
Enclosures (A - B) to Exhibit (83): Contact Branch Medical Clinic, Naval Base Coronado to obtain

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 17JUN16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3) 10 USC § 130b) FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/CBPW/PACIFIC CYBER OPERATIONS NCIS (b)(6), (b)(7)(C) REPRESENTATIVE

REFERENCE(S)
(A) NCISRA SAN DIEGO CA ROI (OPEN)/16MAY16
(B) NCIS CYBER OPERATIONS SAN DIEGO CA ROI (ACTION)/20MAY16

NARRATIVE
1. Cyber support to lead tasking set forth in Reference (A) continues. Reference (B) is a previous status report. Estimated date of completion is 29JUN16.

PARTICIPANTS
NCIS (b)(6), (b)(7)(C) REPRESENTATIVE, NCIS CYBER FIELD OFFICE

DISTRIBUTION
NCISHQ:0022 (CODE 22D - ATTN NCIS (b)(6), (b)(7)(C) 23B/CBFO
INFO :CBPW/SWND/SWFO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 17JUN16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3):10 USC § 130b) FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/CBPW/PACIFIC CYBER OPERATIONS NCIS (b)(6), (b)(7)(C) REPRESENTATIVE

REFERENCE(S)
(A) NCISRA SAN DIEGO CA ROI (ACTION)/31MAY16

NARRATIVE
1. Lead tasking set forth in Reference (A) is acknowledged. A forensic image of V/LOVELACE's personal iPhone (NCIS San Diego, CA evidence log number 273-16) has been acquired and is pending review by the case agent. V/LOVELACE's social media profile analysis is also pending. Estimated date of completion is 29JUN16.

PARTICIPANTS
NCIS (b)(6), (b)(7)(C) REPRESENTATIVE, NCIS CYBER FIELD OFFICE

DISTRIBUTION
NCISHQ:023B/0022 (CODE 22D ATTN NCIS (b)(6), (b)(7)(C) /CBFO
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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 16JUN16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/SEPF/RESIDENT AGENCY PENSACOLA/ NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)
(A) NCISRA SAN DIEGO CA ROI (INTERIM)/31MAY16
(B) NCISRA PENSACOLA FL ROI (ACTION)/06JUN16

EXHIBIT(S)
(1) IA: RESULTS OF INTERVIEW OF
(2) IA: RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
(3) IA: RESULTS OF INTERVIEW OF
(4) IA: RECEIPT OF MEDICAL RECORDS FOR NCIS (b)(6), (b)(7)(C)
CIV/16JUN16

NARRATIVE
1. In accordance with Reference (A) and subsequent to Reference (B), interviews of NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN, Basic Underwater Demolition/SEAL (BUD/S) classmates were conducted at NCISRA Pensacola. The medical records of NCIS (b)(6), (b)(7)(C) CIV, NCIS (b)(6), (b)(7)(C) were requested from the electronically received from the Office of the Medical Examiner, District One, Florida. The medical records of NCIS (b)(6), (b)(7)(C) were requested by the County of San Diego, Office of the Medical Examiner, for possible further analysis and cross comparison of V/LOVELACE.

2. On 14Jun16, Reporting Agent (RA) and Participating Agent (PA) NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN, the former BUD/S classmates of V/LOVELACE were able to provide detailed accounts of activities which occurred at the pool during the combat swim exercise and also provided a hand drawn diagram of their location; Exhibits (1-3) pertain.

3. On 16Jun16, RA electronically received the medical reports of NCIS (b)(6), (b)(7)(C) from NCIS (b)(6), (b)(7)(C) CIV, Senior Forensic Investigator, Office of the Medical Examiner, District One, Florida. RA was provided the conclusive autopsy report, toxicology report, investigation report, and prescription list of NCIS (b)(6), (b)(7)(C) Exhibit (4) pertains.

4. Lead tasking for SEPF is complete.

PARTICIPANTS
NCIS (b)(6), (b)(7)(C) SPECIAL AGENT, RESIDENT AGENCY PENSACOLA

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ACTION
SWND: Lead tasking is complete.

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NCIS (b)(6), (b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 10JUN16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) KFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/NEEA/RESIDENT AGENCY EARLE/ NCIS (b)(6), (b)(7)(C) INVESTIGATOR

REFERENCE(S)
(A) SWND ROI (ACTION)/23MAY16

EXHIBIT(S)
(1) IA: RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C) CIV/10JUN16

NARRATIVE
1. Subsequent to the submission of Reference (A), on 08JUN16 NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) was interviewed regarding captioned investigation.

2. According to NCIS (b)(6), (b)(7)(C) last contact with V/LOVELACE was on 02MAY16. NCIS (b)(6), (b)(7)(C) reported all correspondence leading up to 06MAY16 was positive with regard to V/LOVELACE's experience in the Navy, his training in BUD's, and his physical condition. Exhibit (1) pertains.

3. Lead tasking at NEEA is complete.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 08JUN16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
M/A/ (b)(6), (b)(7)(C) FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/SEPF/RESIDENT AGENCY PENSACOLA/ NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)
(A) NCISRA SAN DIEGO CA ROI (ACTION)/06JUN16

EXHIBIT(S)
(1) IA: RESULTS OF MEETING WITH NCIS (b)(6), (b)(7)(C) CIV/07JUN16

NARRATIVE
1. In accordance with Reference (A) a meeting was coordinated with NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
NCIS (b)(6), (b)(7)(C) CIV, to obtain signatures regarding the release of information for matters pertaining to the initial emergency response of V/LOVELACE.

2. On 07Jun16, Reporting Agent (RA) visited the residence of NCIS (b)(6), (b)(7)(C)
located at NCIS (b)(6), (b)(7)(C) and collected two (2) signed release letters of information to obtain the Hospital EMS Report and the MICN Run Sheet. In addition, RA collected a photograph of NCIS (b)(6), (b)(7)(C)
NCIS (b)(6), (b)(7)(C) for identification purposes; Exhibit (1) pertains.

3. Lead tasking complete.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 06JUN16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO/NCIS (b)(6), (b)(7)(C), SPECIAL AGENT

NARRATIVE
1. On 06MAY16, V/LOVELACE was participating in a Combat Swimmer Orientation training aboard Naval Amphibious Base, Coronado, CA when he began having difficulties. He was pulled from the water and became unresponsive. Medical assistance was rendered, he was transported to Sharp Coronado Hospital where he was pronounced dead.

ACTION
R.SEPF: Please contact the NCIS (b)(6), (b)(7)(C) and request a signed letter for the release to NCISRA San Diego of the 911 call and Run Sheet for the initial call for assistance [illegible] Sharp Mercy Hospital. The letter can be written as follows: "I, NCIS (b)(6), (b)(7)(C) of [illegible] the release of the MICN Run Sheet and Audio Recording of the radio call for assistance [illegible] 2016 at approximately 1330 aboard Naval Amphibious Base Coronado, CA, to the Naval Criminal Investigative Service (NCIS), Special Agent NCIS (b)(6), (b)(7)(C) at 3405 Welles St. Ste 1, San Diego, CA 92136. Signed, NCIS (b)(6), (b)(7)(C)

Contact SA NCIS (b)(6), (b)(7)(C) with any questions prior to or after receiving the letter. Lead Agent may prepare the letter beforehand and have NCIS (b)(6), (b)(7)(C) sign it. Please provide signed letter as soon as possible to NCIS (b)(6), (b)(7)(C) via electronic means.

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NCISHQ:0023
ACTION:SEPF
INFO :SEPF/SWFO/SWND/SEFO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 06JUN16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
W/M/[illegible] FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/SEPF/RESIDENT AGENCY PENSACOLA NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)
(A) NCISRA SAN DIEGO CA ROI (INTERIM)/31MAY16

NARRATIVE
1. Lead tasking for SEPF requested in Reference (A) is acknowledged. Estimated date of completion is 20Jun16.

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NCISHQ:0023 (E)
INFO :SWND (E)/SWFO (E)/SEFO (E)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 01JUN16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
[redacted], FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/NEGL/RESIDENT AGENCY GREAT LAKES, [redacted] SUPERVISORY SPECIAL AGENT

REFERENCE(S)
(A) NCISRA SAN DEIGO ROI (ACTION)/24MAY16

EXHIBIT(S)
(1) IA: RESULTS OF SCREENING INTERVIEWS OF NAVAL SPECIAL WARFARE PREPARATORY SCHOOL COMMAND STAFF
(2) IA: RESULTS OF INTERVIEWS OF [redacted]
(3) IA: PHOTOGRAPHS OF GREEN SWIM COACH LOG BOOK ENTRY PERTAINING TO V/LOVELACE
(4) IA: RECEIPT OF DOCUMENTS FROM NAVAL SPECIAL WARFARE PREPARATORY SCHOOL
(5) IA: RESULTS OF INTERVIEW OF [redacted]
(6) IA: RESULTS OF INTERVIEW OF
(7) IA: RESULTS OF INTERVIEW OF
(8) IA: RESULTS OF INTERVIEW OF
(9) IA: RESULTS OF INTERVIEW OF
(10) IA: RESULTS OF INTERVIEW O
(11) IA: RESULTS OF INTERVIEW O

NARRATIVE
1. Pursuant to lead tasking set forth in Reference (A), on 25MAY16 and 31MAY16, Reporting Agent (RA) and Participating Investigator (PI) [redacted] conducted interviews and obtained records at the Naval Special Warfare Preparatory School (NSWPS), also known as the Pre-BUDS program, aboard Naval Station Great Lakes, IL.

2. On 25MAY16 and 31MAY16, RA and PI [redacted] conducted screening interviews of the NSWPS Command Staff. The staff was helpful in facilitating interviews of the coaches and providing records, but did not provide any relevant information about V/LOVELACE; Exhibit (1) pertains.

3. On 25MAY16, RA and [redacted] interviewed [redacted] Swim Instructors at NSWPS. [redacted] described V/LOVELACE as a former student at NSWPS. He said V/LOVELACE was a "good candidate" and only had one bad day during a water treading exercise, but was able to complete the evolution. [redacted] a green log book with the swim coaches' handwritten notes during the [redacted] all an incident where V/LOVELACE vomited or was too exhausted to stand following a swim exercise,

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and such an incident would have been well documented. No such documentation exists on V/LOVELACE. According to NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) training is conducted at the Recruit Training Center (RTC) pools. NSWPS does not videotape water training and there is no static video recording system at the RTC pools. Exhibit (2) provides amplifying detail.

4. On 25MAY16, RI NCIS (b)(6), (b)(7)(C) obtained the aforementioned green log book and scanned it for notes on V/LOVELACE. V/LOVELACE was noted as receiving a "4" on a water treading exercise on 22MAR16. Photographs of the log book and the handwritten entry pertaining to V/LOVELACE were photographed; Exhibit (3) pertains.

5. On 25MAY16, RA requested all student records pertaining to V/LOVELACE's assignment to the NSWPS. RA received V/LOVELACE's student check-in sheet, V/LOVELACE's check-out sheet, and a handwritten student critique completed by V/LOVELACE. According to the NSWPS Command Staff, NSWPS students do not complete "bio sheets" or any other form with self-generated comments pertaining to their perceived strengths and weaknesses in the program. Exhibit (4) pertains.

6. On 31MAY16, RA and RI NCIS (b)(6), (b)(7)(C) interviewed all of the swim coaches at NSWPS, specifically Mr. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Mr. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Mr. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Mr. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Mr. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) These interviews revealed V/LOVELACE was a "below average swimmer" upon accession into NWSPS and progressed to an "average" swimmer upon his completion of the program. None of the swim coaches recalled an incident where V/LOVELACE emerged from a swim exercise on all fours and vomited on the pool deck. There was only one instance where V/LOVELACE received a poor rating during a swim exercise. On 22MAR16, V/LOVELACE received a "4" on a five minute water treading exercise. For reference, a "1" is the best score and a "5" is a complete failure. V/LOVELACE successfully completed the water tread, but dropped a weighted brick that he was supposed to hold throughout the evolution. V/LOVELACE recovered the brick on his own from the bottom of the pool and did not get out of the pool or touch the side until the exercise concluded. According to the swim coaches, a poor rating on a single swim exercise during the entire program is not uncommon and is not a particular concern. Exhibits (5) through (9) provide details on these interviews.

7. On 31MAY16, RI NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) interviewed Training Officer at NSWPS NCIS (b)(6), (b)(7)(C) did not recall V/LOVELACE or any incidents involving him; Exhibit (10) pertains.

8. On 31MAY16, RA interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) the Lead Petty Officer NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE's name but did not remember his face. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) duty, leave, and student control issues and V/LOVELACE did not come to his attention during his time at NSWPS. Exhibit (11) is a NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

9. Lead tasking to NCISRA Great Lakes is complete.

PARTICIPANTS
NCIS (b)(6), (b)(7)(C) INVESTIGATOR, NCISRA GREAT LAKES

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U.S. NAVAL CRIMI[illegible] INVESTIGATIVE SERVIC

CONTROL:06MAY16-SWN[illegible] 303-7HNA 01JUN16

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INFO :SWND (M)/002P/SWFO/NEFO/002A

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NCIS (b)(6), (b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM) 31MAY16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO, NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBIT(S)
(1) IA: DEATH SCENE EXAMINATION/13MAY16
(2) IA: INITIAL DOCUMENTATION OF BODY/09MAY16
(3) HANDWRITTEN SWORN STATEMENT OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
USN/06MAY16
(4) HANDWRITTEN SWORN STATEMENT OF SEAL INSTRUCTOR NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) CIV/06MAY16
(5) HANDWRITTEN SWORN STATEMENT OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
USN/06MAY16
(6) HANDWRITTEN SWORN STATEMENT OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN/06MAY16
(7) HANDWRITTEN SWORN STATEMENT OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
USN/06MAY16
(8) IA: RESULTS OF AUTOPSY ATTENDANCE OF V/LOVELACE/09MAY16
(9) IA: RESULTS OF SEARCH OF V/LOVELACE'S BARRACKS ROOM/18MAY16
(10) IA: RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) /16
(11) SWORN STATMENT OF USN/09MAY16
(12) SWORN STATEMENT OF USN/09MAY16
(13) SWORN STATEMENT OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) /16
(14) SWORN STATEMENT OF USN/09MAY16
(15) SWORN STATEMENT OF USN/09MAY16
(16) IA: RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
USN/09MAY16
(17) IA: RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) /16
(18) IA: RESULTS OF RE-INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
USN/16MAY16
(19) IA: RESULTS OF RE-INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
USN/12MAY16
(20) IA: RESULTS OF RE-INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
USN/12MAY16
(21) IA: RESULTS OF RE-INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
USN/12MAY16
(22) IA: RESULTS OF RE-INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
USN/12MAY16
(23) IA: RESULTS OF RE-INTERVIEW OF /16MAY16
(24) IA: RESULTS OF RE-INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
USN/12MAY16
(25) IA: RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
USN/16MAY16

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(26) IA: RESULTS OF RE-INTERVIEW OF SEA[redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
[redacted]16MAY16
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
(27) IA: RESULTS OF RE-INTERVIEW OF [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
USN/17MAY16
(28) IA: RESULTS OF RE-INTERVIEW OF [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
USN/13MAY16
(29) IA: RESULTS OF INITIAL REVIEW OF VIDEO SURVEILLANCE FOOTAGE, NSW VIDEO SYSTEM SERVERS, AND VIDEO CAMERAS AT CTT/17MAY16
(30) IA: REQUEST, RECEIPT, AND REVIEW OF V/LOVELACE'S NAVY MEDICAL RECORDS/17MAY16
(31) IA: RESULTS OF INTERVIEW OF [redacted] USN/26MAY16
(32) IA: RESULTS OF INTERVIEW OF [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) 26MAY16
(33) IA: RESULTS OF INTERVIEW OF [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
USN/24MAY16
(34) IA: RESULTS OF INTERVIEW OF [redacted] SN/24MAY16
(35) IA: RESULTS OF INTERVIEW OF [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN/26MAY16
(36) IA: RESULTS OF INTERVIEW OF [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
USN/23MAY16
(37) IA: RECEIPT OF BUDS ORIENTATION AND SELECTION EVOLUTION BRIEF SHEET AQUATIC SKILLS COMBAT SWIMMER ORIENTATION/24MAY16
(38) IA: RESULTS OF INTERVIEW OF [redacted] SN/24MAY16
(39) IA: RESULTS OF INTERVIEW OF [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
USN/26MAY16
(40) IA: RESULTS OF INTERVIEW OF [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
USN/20MAY16
(41) IA: RESULTS OF INTERVIEW OF [redacted] USN/20MAY16
(42) IA: RESULTS OF INTERVIEW OF [redacted] SN/26MAY16
(43) IA: RESULTS OF INTERVIEW OF [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) 26MAY16
(44) IA: RESULTS OF INTERVIEW OF [redacted] 24MAY16
(45) IA: RESULTS OF INTERVIEW WIT[redacted]
USN/24MAY16
(46) IA: RESULTS OF INTERVIEW OF [redacted] USN/27MAY16
(47) IA: RESULTS OF INTERVIEW OF [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) 24MAY16
(48) IA: RESULTS OF INTERVIEW OF [redacted] SN/24MAY16
(49) IA: RESULTS OF SCREENING INTERVIEWS WITH BUDS CLASS 319/20MAY16
(50) IA: RECEIPT OF BUD/S PHASE 1 INSTRUCTOR CERTIFICATIONS/23MAY16
(51) IA: RECEIPT OF COMBAT SWIMMER ORIENTATION PRE-BRIEF FOR 06MAY16/24MAY16
(52) IA: RECEIPT OF 911 DOCUMENTATION/23MAY16
(53) IA: RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C) CIV AN[redacted] NCIS (b)(6), (b)(7)(C)
NCIS (b)(6), (b)(7)(C) IV/26MAY16
(54) IA: RESULTS OF REVIEW OF OFFICIAL MILITARY PERSONNEL FILE FOR V/LOVELACE/25MAY16
(55) IA: RECEIPT OF MFR REGARDING R[redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FROM TRAINING/26MAY16

EXECUTIVE SUMMARY

1. On 06MAY16 at 1412, NCISRA San Diego, CA was notified via Commander Navy Region Southwest (CNRSW) dispatch that V/LOVELACE was transported to Sharp Coronado Hospital, Coronado, CA, from building 164 (pool) aboard Naval Amphibious Base (NAB), Coronado, CA, as he was unconscious and it was

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uncertain if he was breathing. At approximately 1600, NCIS contacted Sharp Coronado Hospital and was informed V/LOVELACE was pronounced dead at 1436 at the hospital. NCIS (b)(6), (b)(7)(C) NCIS Forensic Consultant, was notified of V/LOVELACE's death. Members of the NCISRA San Diego, CA, Major Case Response Team (MCRT) responded to building 164 and Sharp Coronado Hospital to document the scene and V/LOVELACE's body. Interviews of Naval Special Warfare (NSW) Basic Training Center (BTC) instructors and students from V/LOVELACE's class (roommates and boat crew) have been conducted and it was determined V/LOVELACE was observed to be struggling with keeping his head above the water during the training evolution. On 07MAY16 at 0900, an autopsy of V/LOVELACE's body was conducted at the San Diego County Medical Examiner's Office with NCIS representatives present. On 09MAY16, a documentation of V/LOVELACE's barracks room was conducted and his personal cell phone was seized and placed into evidence at the NCISFO San Diego evidence facility. Video recorded footage of the pool training has been captured and is undergoing forensic analysis and review. Pertinent Basic Underwater Demolition/SEAL (BUD/S) training records and documents have been received and reviewed by NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Officer, NSW Center (CEN), NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Officer, NSW BTC have been briefed on the status of the investigation.

NARRATIVE

1. This investigation was initiated on 06MAY16 upon notification of the death of V/LOVELACE. A determination of any applicable criminal statutes has not been made.

2. On 06MAY16, members of the NCIS San Diego, CA Major Case Response Team (MCRT) documented the pool area where V/LOVELACE was training and became unresponsive. Exhibit (1) pertains.

3. On 06MAY16, Reporting Agent (RA), Participating Agents (PA) NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) responded to Sharp Coronado Hospital, Coronado, CA, to document V/LOVELACE's body via photographs and notes. No visible traumatic injuries were noted on V/LOVELACE's body and clear evidence of lifesaving measures were identified. Exhibit (2) pertains.

4. On 06MAY16, NCIS conducted interviews of five NSW BTC instructors who witnessed V/LOVELACE struggling in the water and/or assisted with lifesaving measures. The instructors provided handwritten sworn statements of their accounts of what they witnessed. Exhibits (3)-(7) pertain.

5. On 07MAY16, RA, PA NCIS (b)(6), (b)(7)(C) and NCIS San Diego Forensic Consultant, NCIS (b)(6), (b)(7)(C) attended the autopsy of V/LOVELACE at the County of San Diego Medical Examiner's Office, San Diego, CA. RA provided photographic documentation of the autopsy. Exhibit (8) pertains.

6. On 09MAY16, subsequent to a meeting with NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Officer, NSW Center, San Diego, CA, RA and PA NCIS (b)(6), (b)(7)(C) conducted a search of V/LOVELACE's personal belongings in his barracks room located aboard Naval Amphibious Base (NAB) Coronado, NTC BTC, building 602. V/LOVELACE's iPhone 6 and charger were seized and placed into the NCISFO San Diego, CA evidence repository. No other items of probative value were identified. Exhibit (9) pertains.

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7. On 09MAY16, eight boat crew members/roommates of V/LOVELACE were interviewed regarding their knowledge of V/LOVELACE and the circumstances surrounding his death. Six individuals provided handwritten sworn statements. Exhibits (10)-(15) pertain. The two remaining individuals declined to provide handwritten statements and their interviews are memorialized in investigative action reports. Exhibits (16)-(17) pertain.

8. On 12MAY16, NCIS re-interviewed the instructors and students mentioned in reporting above with additional questions about the combat swimming orientation (CSO) training on 06MAY16. Exhibits (18)-(28) pertain.

9. Since 06MAY16, attempts had been made to obtain the video footage recorded by surveillance cameras at the pool where V/LOVELACE was training. Due to technical difficulties, the video system's owner (vendor) was contacted to assist with determining the problems. On 16MAY16, RA and representatives from NCIS Technical Services and NCIS/Regional Computer Forensics Laboratory (RCFL) provided assistance in extracting and preserving the data. NCIS observed and documented the video cameras at the CTT (Combat Training Tank, pool where BUD/S train). The main server was seized and a mirror copy of the virtual server was created and placed into evidence at NCISFO San Diego, CA evidence repository. DVD's were made of specific requested time-frames from the pool evolution and provided to NCIS. The DVD's were also placed into evidence at the NCISFO San Diego, CA evidence repository and subsequent working copies were created for review. Exhibit (29) pertains.

10. On 17MAY16, RA received and reviewed V/LOVELACE's Navy medical records. Amplifying details are appended in Exhibit (30).

11. On 19MAY16, NCIS Special Agents conducted interviews of six instructors who were not previously identified as having participated in the CSO evolution on 06MAY16. Exhibits (31)-(36) pertain.

12. On 19MAY16, (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Staff Judge Advocate (SJA), NSW BTC, provided RA with a copy of the BUDS Orientation and Selection Evolution Brief Sheet for Aquatic Skills Combat Swimmer Orientation (CSO); the instruction and overview of the CSO course which took place on 06MAY16. Exhibit (37) pertains.

13. On 20MAY16, NCIS Special Agents completed interviews of seven instructors who were not previously identified as being at the CTT on 06MAY16 and interviewed thirty-two students who were also in the pool during the CSO evolution on 06MAY16. Exhibits (38)-(49) pertain.

14. On 20MAY16, NCIS received the certifications for instructors' completion of NSW instructor courses and safety courses. Exhibit (50) pertains. NCIS also received the CSO pre-brief slides used for the 06MAY16 CSO evolution. Exhibit (51) pertains.

15. On 23MAY16, NCIS received the 911 call records pertaining to the 06MAY16 call from the CTT for V/LOVELACE from Commander Navy Region Southwest (CNRSW) Emergency Medical Services. Exhibit (52) pertains.

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16. On 25MAY16, NCIS Special Agents interviewed NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) provided NCIS with the NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) Exhibit (53) pertains.

17. On 25MAY16, NCIS received and reviewed the Official Military Personnel File for V/LOVELACE. Exhibit (54) pertains.

18. On 06MAY16, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) provided BS with a copy of the Memorandum for the Record (MFR) regarding the removal of CAPT [redacted] from training duties until further notice. The MFR was signed by CAPT [redacted], USN, on 16MAY16. Exhibit (55) pertains.

19. Investigation is pending completion of additional leads, interviews, receipt of final autopsy report and death certificate for V/LOVELACE. CAPT NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b), will be provided with a copy of this report and a brief of the investigation to date. Investigation continues.

PARTICIPANTS

NCIS (b)(6), (b)(7)(C)
SPECIAL AGENT, RESIDENT AGENCY SAN DIEGO
SENTATIVE, PACIFIC CYBER OPERATIONS
PECIAL AGENT, RESIDENT AGENCY SAN DIEGO
ECIAL AGENT, RESIDENT AGENCY SAN DIEGO
ECIAL AGENT, RESIDENT AGENCY SAN DIEGO
IAL AGENT, RESIDENT AGENCY SAN DIEGO
PECIAL AGENT, RESIDENT AGENCY SAN DIEGO
PECIAL AGENT, RESIDENT AGENCY SAN DIEGO
, REPRESENTATIVE, OFFICE OF FORENSIC SUPPORT SOUTHWEST FIELD

SPECIAL AGENT, RESIDENT AGENCY SAN DIEGO
, SPECIAL AGENT, RESIDENT AGENCY SAN DIEGO
PECIAL AGENT, RESIDENT AGENCY SAN DIEGO

ACTION

R.CBPW: Please provide cyber assistance for a forensic image and [redacted] of a cellphone (NCISFO San Diego, CA evidence log number 273-16). Password code possibilities will be provided to assist in accessing the phone. Please also provide social media profile for [redacted]. Please keep lead tasking open as additional tasks may be required.

R.SEPF: Please contact the Medical Examiner in Crestview, FL and utilizing medical records release forms signed by [redacted], request any and all medical records for [redacted]. Also locate and interview the three following BUD/S attritees from [redacted] Class 319 who are now assigned to "A" school at NAVAVSCOLSCOM [redacted] (DOB [redacted]), [redacted] (DOB [redacted]), and [redacted] (DOB [redacted]). Additional identifying

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information and questionnaire will be provided by Case Agent via separate cover. Document the interviews in an IA.

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INFO :SEFO/CBFO/SEPF/SWFO/SWND/CBPW/NAVAL SPECIAL WARFARE BASIC TRAINING CENTER, NAVAL AMPHIBIOUS BASE, CORONADO, CA
(CAPT NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) (H)/002P

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 13MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

DEATH SCENE EXAMINATION

BACKGROUND

1. On 06May16, NCISRA San Diego, CA, received notification of a death of a Basic Underwater Demolition/SEAL (BUD/S) student, V/LOVELACE, after going unconscious at the Naval Special Warfare (NSW) Center Combat Training Tank, Building 164, aboard Naval Amphibious Base (NAB), Coronado, CA. V/LOVELACE was transported to Sharp Coronado Hospital, where he was pronounced deceased. At approximately 1615, the NCISRA San Diego Major Case Response Team (MCRT) was activated by Acting Supervisory Special Agent NCIS (b)(6), (b)(7)(C) to conduct a scene examination. At the scene, Reporting Agent (RA) spoke with NCIS (b)(6), (b)(7)(C) USN, Training Officer, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) not present during training, observed [illegible] unconsciousness during a training evolution and was brought to the side of the pool. CPR and first aid were administered on the pool deck. Based on [illegible] experience, this training evolution required the trainees to tread water while removing their boots, pants, and shirt. There was not a specific time allotted for the evolution, but it began at 1300. There are 130 BUD/S students in the current class. During training evolutions, a safety officer walks around the deck and watches the trainees in the pool.

ARRIVAL AND JURISDICTION

2. RA and Participating MCRT Agents responded to the scene at approximately 1650. On scene were Special Agent (SA) NCIS (b)(6), (b)(7)(C) SA NCIS (b)(6), (b)(7)(C) and SA NCIS (b)(6), (b)(7)(C) Building 164 was locked when MCRT arrived. At approximately 1715, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Officer of the Day, arrived and granted MCRT access to the scene. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Assistant Public Works Officer, NAB, and NCIS (b)(6), (b)(7)(C), CIV, Facility Manager, NAB, arrived at the same time. [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) to return another day to conduct an examination of the facility. Building 164 was determined to be within proprietorial jurisdiction aboard NAB.

SCENE SECURITY

3. The entrance to Building 164 was monitored by all personnel on scene. Only those people previously mentioned accessed the scene during the examination.

INITIAL OBSERVATIONS

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EXHIBIT (1)

4. Building 164 was a tan stone building with a metal peaked roof and an outdoor pool, making up the NSW Combat Training Tank complex. The complex was surrounded by a 10 foot tall chain-link fence on the southwest, northwest, and northeast sides. The fence was covered in black tarp. The complex had one entrance, through the building, on the east end and a ramp entrance with an emergency vehicle parking space on the south end. At approximately 1715, the outside temperature was 64 degrees Fahrenheit according to The Weather Channel's cellular phone weather application. The sky was slightly cloudy and the ground was dry. No odors were detected.

5. An Olympic size pool was in the center of the NSW Combat Training Tank complex and was surrounded by a large concrete deck. At the time of the scene examination, the pool was full of water and the surface was covered with a blue tarp. There was a three-rung metal ladder in every corner of the pool. Three drains, embedded in the deck, encircled the pool. The deep end was on the southwest side of the pool and was 15 feet deep. A ledge lined the inside of the pool along the southwest and northwest sides. The ledge was approximately 4 feet wide and 3 feet deep. There was a warning written in the deck on the southwest and northwest sides that stated, "DANGER - 4'0" LEDGE - NO DIVING." Two diving platforms of different heights were located on southwest side of the pool. The shallow end of the pool was 4 feet deep. Depth markers were written on the southeast and northwest sides of the pool and were listed as follows from the deep end to the shallow end: 15'0", 9'6", 9'0", 4'6", 4'0". Miscellaneous training and pool equipment was scattered around the pool deck. This equipment included tires, lane marker buoy lines, pull up bars, and sinks.

6. The NSW Combat Training Tank building had three levels. The locker rooms were located on the first level of the building. Four outdoor staircases along the northwest wall led to the second floor viewing room and office spaces. The second level was completely made of windows on the northwest side. A door on the southwest side of the building opened to a staircase that led to the lower level cement tunnel. The tunnel started around the midpoint of the pool's southeast wall, wrapped around the southwest wall, and ended midway along the northwest wall. There were viewing windows into the pool; 4 on southeast wall, 1 on southwest wall, and 1 on northwest wall.

BODY DESCRIPTION

7. V/LOVELACE was transported to Sharp Coronado Hospital, where he was pronounced deceased. An examination and description of the body is documented under a separate cover.

SCENE PROCESSING

8. An examination of the scene did not reveal any vomit, blood, or other bodily fluids. No items or garments belonging to V/LOVELACE were located. No items or substances were noted to be in the pool.

PHOTOGRAPHIC COVERAGE

9. SA NCIS (b)(6), (b)(7)(C) began photographic documentation of the scene utilizing a

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Nikon D7100 digital single lens reflex camera. A total of twenty-nine (29) photographs were exposed, all of which were burned to a CD and entered into the NCISFO Southwest Consolidated Evidence Facility under log #0285-16. The CD is included as Enclosure (A). A representative sample of twelve (12) photographs was printed in templates and is included as Enclosure (B).

Photograph	Description
1	Overall photo of the pool located at Building 164, NAB Coronado, CA facing northwest
2	Overall photo of the pool located at Building 164, NAB Coronado, CA facing north
3	Overall photo of the pool located at Building 164, NAB Coronado, CA facing northeast
4	Overall photo of the pool located at Building 164, NAB Coronado, CA facing southeast
5	Overall photo of the pool located at Building 164, NAB Coronado, CA facing south
6	Midrange photo of pool facing south/southeast depicting 15 foot deep section and designated depth label in tile on pool edge
7	Midrange photo of pool facing south/southeast depicting 15 foot deep section and designated ledge label in tile on pool edge
8	Midrange photo of pool facing north/northeast depicting 15 foot deep section west of the diving platform
9	Midrange photo of pool facing north/northeast depicting 15 foot deep section east of the diving platform
10	Midrange photo of the south corner of the pool depicting the ledge located in the water
11	Overall photo of the 9 foot section of the pool underwater leading to the 4 foot section of the pool
12	Overall photo of the 15 foot section of the pool underwater leading to the 9 foot section of the pool

SCENE SKETCH

10. NCIS (b)(6), (b)(7)(C) completed a sketch of the scene, Enclosure (C) pertains.

CONCLUSION

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11. At approximately 1800, MCRT completed the examination. Upon departure, Building 164 was released to and secured by TUNE.

ENCLOSURE(S)
(A) CD CONTAINING TWENTY-NINE (29) DEATH SCENE PHOTOGRAPHS/06MAY16
(B) TWELVE (12) DEATH SCENE PHOTOGRAPHS/06MAY16
(C) DEATH SCENE SKETCH/06MAY16

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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Pages 849 through 862 redacted for the following reasons:
- -
Enclosures (A - B) to Exhibit (1): Referred to Naval Special Warfare Command

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 09MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
[redacted], FRANKFURT, GERMANY

INITIAL DOCUMENTATION OF V/LOVELACE'S BODY

1. On 06MAY16 at approximately 1645, Reporting Agent (RA), Participating Agent (PA) NCIS (b)(6), (b)(7)(C) and PA NCIS (b)(6), (b)(7)(C) responded to Sharp Coronado Hospital Emergency Room, 250 Prospect PL, Coronado, CA 92118 to document the body of V/LOVELACE. As background, V/LOVELACE was taken via ambulance to Sharp Coronado Hospital on 06MAY16 after being pulled from a swimming pool during a training exercise aboard Naval Amphibious Base Coronado. He was pronounced dead at 1436.

2. Upon arrival at the hospital, RA was met by [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Officer, Training Division, Naval Special Warfare, Basic Training Center, NAB Coronado and NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C) Medical Examiner Investigator, County of San Diego Office of the Medical Examiner. A Sharp Coronado Hospital staff member escorted all mentioned supra to V/LOVELACE's body located behind a closed curtain in the Emergency Room. PA NCIS (b)(6), (b)(7)(C) went to the Emergency Room's administrative area to request any and all documentation of V/LOVELACE's treatment at the hospital. Enclosure (A) pertains.

3. NCIS (b)(6), (b)(7)(C) provided RA, PA NCIS (b)(6), (b)(7)(C) and NCIS (b)(6), (b)(7)(C) with V/LOVELACE's biographical information as well as providing a synopsis of the timeline of V/LOVELACE's pool exercise and when he was brought to the hospital. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated V/LOVELACE was participating in a pool evolution exercise where the students jump into the pool in fatigues and boots. They have to swim for 50 [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE had completed this exercise before. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) during this exercise, V/LOVELACE was seen struggling in the water and was pulled from the pool by others and he was unconscious. Upon questioning from Investigator NCIS (b)(6), (b)(7)(C) added V/LOVELACE was at the surface when he was pulled from the pool. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) that same morning, V/LOVELACE participated in training on the beach and in the ocean.

4. PA NCIS (b)(6), (b)(7)(C) took photographs of V/LOVELACE's body along with NCIS (b)(6), (b)(7)(C) Enclosure (B) pertains. RA noted the following about V/LOVELACE's body: A Caucasian male with close cut short dirty blonde hair lying supine on a gurney with a wet, green fatigue camouflaged shirt beneath his back and khaki colored shorts and black underwear which were cut open below his buttocks and crotch area. V/LOVELACE was barefoot. V/LOVELACE was still wet from his time in the swimming pool. A solid blue in color tattoo of a great white shark was noted on the inner right ankle. What appeared to be beach sand was noted on his upper thighs and around his groin area. An

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EXHIBIT (2)

intravenous tube was inserted into his left arm near the elbow as were red colored superficial scrapes and bruising. A superficial red scab/scrape was noted on the outside of V/LOVELACE's right hand. An endotracheal tube was inserted in V/LOVELACE's mouth that also had a white translucent bulb pump extending to the left side of his face. V/LOVELACE's chest had a large dark red contusion in the center of his sternum between his pectoral muscles, evident of the CPR performed on him. A large AED pad was adhered to his left ribcage. RA did not notice any other visible injuries to V/LOVELACE. RA did not notice any blood or other substances in V/LOVELACE's nostrils or oozing from his mouth or into the endotracheal tube.

5. With nitrile gloves on, RA touched V/LOVELACE who felt cold. RA also noted that rigor mortis was beginning to set in to his extremities. RA noticed livor mortis beginning to settle on the posterior portions of his body. NCIS (b)(6), (b)(7)(C) rolled V/LOVELACE onto his right side to document his back area. More sand was noted on his buttocks. Another white AED pad was adhered to his back. No visible injuries were identified in viewing his back. At 1705, NCIS (b)(6), (b)(7)(C) and another individual from the Medical Examiner's Officer moved V/LOVELACE's body to another gurney and they transported him to the morgue. BENEFIEL informed RA the case number for V/LOVELACE was 16-1113 and his autopsy would be held on 07MAY16 at 0900.

6. Subsequent to V/LOVELACE's transport to the morgue, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) provided RA with the bag containing V/LOVELACE's personal affects which he had on his person at the time of his death. These items were: One pair of green camouflage pants, the shirt and shorts and underwear identified supra. The shirt was long sleeved and in the upper chest pocket was a green camouflage cap tethered to the shirt via a red cord. A green waterproof pouch containing a double-sided photo of a blonde woman who appeared to be approximately 45 years of age, and another blonde woman who appeared to be in her early 20's, a handwritten note about a SEAL who died in 2011, his Common Access Card identification, barracks room key card, black ink pen, small brown spiral notepad with training instructions written in it. All of the items were photographed and then returned to NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) who stated she would secure the items in the evidence vault at NSW BTC as they would be provided to NCIS (b)(6), (b)(7)(C) at a later date.

ENCLOSURE(S)
(A) Sharp Coronado Hospital Emergency Room Documents/06MAY16
(B) Five Photos of V/LOVELACE at Sharp Coronado Hospital/06MAY16
(C) CD Containing 43 Photos Taken of V/LOVELACE at Sharp Coronado Hospital/17MAY16

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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Pages 865 through 884 redacted for the following reasons:
- -
Enclosure (A) to Exhibit (2): Contact Coronado Hospital to obtain
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

STATEMENT

Place : NAB Building #6054

Date : 06 MAY 2016

I, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b), make the following free and voluntary statement to NCIS SA NCIS (b)(6), (b)(7)(C), whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of, THE DEATH OF SN JAMES LOVELACE

For the purposes of identification, I am a NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b). I am approximately NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) tall, and weigh approximately NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b). My hair is NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) and my eyes are NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b). My birthday is NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) and I was born in NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b). My current residence barracks building/room number is NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b). My phone number is NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b). I am currently assigned to NSW BTC, I currently maintain a TS/SCI security clearance.

On 06 may 2016 @ 1300 we began Combat Swimmer orientation at the Combat Training Tank. At 1340 I was located towards the (E) of the class ensuring the Students stayed out of the Flat Section of the pool. I looked over to the side of the pool deck and saw a Student that appeared to be seen; unconscious so I began to swim over to them to assist. Once there I saw rise and fall of the students chest. I placed him on his side with O2 mask already on at 10L/min. I checked for a pulse, Let's get a pulse ox on him. The Pulse ox wasn't working because the student was wet so we instructed someone to get a towel to dry his finger off. Then the student vomited [illegible] on. The Student began Coughing pink sputum up. I then turned the Student on his side and allowed him to get rid of the sputum which could obstruct the airway then placed O2 mask back on and increased Oxygen to 15L/min. I checked his pulse and there was NCIS (b)(6), (b)(7)(C), CNSWC (b)(3) began Chest Compressions. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NPA airway successfully in and began bagging with 100% oxygen. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) resuming chest compressions. After two rounds of CPR NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) LT in to secure airway and continued to bag w/ 100% Oxygen. This lasted about two minutes before Fire Squad arrived. we transferred Student to a Cot board. Students pulse ox was 83% and then Fire Squad took over chest compressions. They then placed an AED where there was no shock advised for the first round. Then during the second round it initiated a shock to the Student and Sal Perez began Chest Compressions. He was switched out by NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Fire Squad and then NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) AND I was relieved by Instructor

EXHIBIT (3)

S (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

began transport to the Ambulance while continuing CPR and Bagging with 100% oxygen. The student was then loaded into the ambulance and transported to the ER. I did not load with the student and transport to the ER.

No further entries

NO FURTHER ENTRIES

This statement, consisting of this page and 2 other page(s) were handwritten by me after I discussed its contents with NCIS SA NCIS (b)(6), (b)(7)(C) I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief.

Signature: NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

Sworn to and subscribed before me this 6 day of May in the year 2016 at

2000 NAB BLDG 604

Witnessed: _____

NCIS (b)(6), (b)(7)(C)

rvice

AUTH: DERIVED FROM ARTICLE 136,
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

STATEMENT

Place : NAB Bldg 604

Date : 06 MAY 16

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) SEAL INSTRUCTOR, make the following free and voluntary statement to Special Agent NCIS (b)(6), (b)(7)(C), whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of,

The death of SN JAMES LOVELACE, USN NCIS (b)(6), (b)(7)(C)

For the purposes of identification, I am a NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b). I am approximately [redacted] feet [redacted] inches tall, weigh approximately [redacted] pounds, have [redacted] hair and [redacted] eyes. My birthday is [redacted]. I was born in (city) [redacted] (state) [redacted]. My current residence barracks building/room number is [redacted], My phone number is [redacted]. I am currently assigned to NSWC TTC, I currently maintain a SECRET security clearance.

MY FIRST CONTACT WITH SN LOVELACE WAS APPROX. 13:40 MAY 6 WHEN I STARTED TO CONDUCT CHEST COMPRESSIONS DURING CPR. I CONTINUED TO ASSIST NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) AND NAB EMT'S ~~UNTIL~~ WITH CPR UNTIL CORONADO FIRE RESCUE ARRIVED. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) AND I BOARDED THE AMBULANCE NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) AND I CONTINUED CPR UNTIL REACHING SHARPS CORONADO ER AT THAT TIME ER PERSONELL TOOK OVER. AT APPROX 14:36 ER PERSONELL NOTIFIED US THAT SN LOVELACE WAS NO LONGER WITH US NCIS (b)(6), (b)(7)(C)

Q: Why did you begin to conduct chest compressions/CPR on SN LOVELACE?

A: IT WAS DIRECTED BY NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

Q: What did you observe as far as SN LOVELACE'S CONDITION while you conducted CPR on him?

A: SN LOVELACE WAS UNCONSCIOUS AND UNRESPONSIVE NCIS (b)(6), (b)(7)(C)

Q: DID YOU KNOW WHY HE BECAME UNCONSCIOUS AND UNRESPONSIVE?

A: NO NCIS (b)(6), (b)(7)(C)

Q: WHO PULLED SN LOVELACE FROM THE P L?
A: FROM WHAT I WAS TOLD AFTER THE FA

Q: HOW DID YOU KNOW YOU NEEDED TO GO ASSIST WITH CPR?
A: WENT WHERE I THOUGHT I COULD BE OF ASSISTANCE

Q: DID SN LOVELACE REGAIN CONSCIOUSNESS AT ANY TIME YOU WERE CONDUCTING CPR ON HIM?
A: NO

Q: TO YOUR KNOWLEDGE, DID HE HAVE ANY INJURIES?
A: NO

Q: DID THE AMBULANCE TEAM EVER TAKE OVER CPR DURING THE TRANSPORT TO THE HOSPITAL?
A: NO

Q: WHEN DID YOU STOP CPR and IF SO, DID ~~A~~ ANYONE TAKE ANY LIFESAVING MEASURES FOR SN LOVELACE?
A: IN THE AMBULANCE WE WERE TAKING TURNS ADMINISTERING CHEST COMPRESSIONS, ONCE WE ARRIVED AT THE ER I WAS DOING COMPRESSIONS ON SN LOVELACE FROM THE AMBU TO THE ER

Q: IS THERE ANYTHING ELSE YOU FEEL WE NEED TO KNOW FOR OUR INVESTIGATION?

NCIS (b)(6), (b)(7)(C)

nothing further on this page

Continuation page

NCIS (b)(6), (b)(7)(C)

NCIS (b)(6), (b)(7)(C)

nothing further on this page

NCIS (b)(6), (b)(7)(C) This statement, consisting of this page and 2 other page(s) were handwritten by me after I discussed its contents with SA NCIS (b)(6), (b)(7)(C), NCIS. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief.

NCIS (b)(6), (b)(7)(C)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

Signature: _____

Sworn to and subscribed before me this 6 day of MAY in the year 2016 at

19:34

Witnessed: _____

NCIS (b)(6), (b)(7)(C)

Representative, Naval Criminal Investigative Service
AUTH: DERIVED FROM ARTICLE 136,
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

NCIS (b)(6), (b)(7)(C)

STATEMENT

Place : NAB Building 604

Date : 06MAY16

I, [redacted], make the following free and voluntary statement to NCIS SA [redacted], whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of,

the Death of SN James LOVELACE

For the purposes of identification, I am a [redacted]. I am approximately [redacted] tall, weigh approximately [redacted] and have [redacted] hair and [redacted] eyes. My birthday is [redacted] I was born in [redacted]. My current residence barracks building/room number is [redacted]. My phone number is [redacted]. I am currently assigned to NSW BTC 1ST PHASE, I currently maintain a TS SCI security clearance.

[redacted] 16, I WAS ONE OF SEVEN INSTRUCTORS IN THE POOL DURING COMBAT SWIMMER ORIENTATION EVOLUTION. SN LOVELACE WAS STRUGGLING WITH KEEPING HIS HEAD ABOVE THE WATER. AT THIS POINT, HE HAD NO MASK ON AND NO BOOTS ON. I INSTRUCTED HIM TO KEEP HIS COMPOSURE AND TO KEEP HIS HEAD ABOVE THE WATER. I WAS OBSERVING HIM FOR APPROXIMATELY 5 MINUTES. AT THAT POINT TIME HE WENT BACK UNDER THE WATER SO I SWAM HIM TO THE EDGE OF THE POOL. BEFORE I PICKED HIM UP AND PLACED HIM ON THE POOL DECK, I USED OUR STANDARD STIMULUS TECHNIQUE WHICH WAS ME POPPING HIS CHEEK WITH AN OPEN HAND AND HE RE-OPENED HIS EYES. HE WAS BREATHING THE ENTIRE TIME. AT THAT POINT, I TURNED SN LOVELACE OVER TO THE STAFF THAT WAS ON THE POOL DECK. TO ELABORATE ON SWIMMING SN LOVELACE AM OF THE POOL, I WAS FOCUSED ON GETTING HIM OUT OF THE POOL SO I'M NOT SURE IF HE WAS ALSO SWIMMING OR NOT. TO ELABORATE ON ME TELLING HIM TO KEEP HIS COMPOSURE, HE WASN'T ACTING MORE PANICY THAN ANOTHER STUDENT WHO IS UNCOMFORTABLE. HE WAS BREATHING AND EYES [redacted]

Q: Did you ask SN LOVELACE any direct questions for him to respond to you?

A: NO

Q: Did SN LOVELACE make any verbal statements or communicate verbally with you?

A: NO

EXHIBIT (5)

Continuation page

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

Q. Is there anything else you want to add to your statement?

A. No

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

Nothing Follows

NCIS (b)(6), (b)(7)(C)

(7)(C), CNSWC (b)(3)(10 USC § 130b)

This statement, consisting of this page and 1 other page(s) were handwritten by me after I discussed its contents with Special Agent NCIS (b)(6), (b)(7)(C). I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief.

Signature: NCIS (b)(6), (b)(7)(C)

Sworn to and subscribed before me this 6th day of MAY in the year 2016 at 1955.

Witnessed: NCIS (b)(6), (b)(7)(C)

Representative, Naval Criminal Investigative Service
AUTH: DERIVED FROM ARTICLE 136,
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

STATEMENT

Place : NAB BLDG 604

Date : 06MAY16

I, [redacted], make the following free and voluntary statement to SA [redacted], whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of, THE DEATH OF SN JAMES LOVELACE

For the purposes of identification, I am a [redacted]. I am approximately [redacted] tall and weigh approximately [redacted] and have [redacted] eyes. My birthday is [redacted] was born in [redacted] (city) [redacted] (state). My current residence barracks building/room number is [redacted] My phone number is [redacted] I am currently assigned to NSW BTC, I currently maintain a SECRET security clearance.

I WAS STATIONED AT NSWBTC FIRST PHASE AS A SEAL INSTRUCTOR AND MEDIC. FOR TODAYS POOL EVOLUTION THE CLASS BEGAN AT 1300 TO START COMBAT SWIMMER ORIENTATION. DURING THE EVOLUTION APROX. 1340 "RED LINE" WAS CALLED OUT BY INST. [redacted] AT THIS POINT THE EVOLUTION CONTINUED FOR ABOUT 90 SECONDS UNTIL [redacted] ASSISTANT [redacted] CALLED 911. WE IMMEDIETLY REMOVED ALL THE STUDENTS FROM THE POOL AND I BEGAN TO ASSIST [redacted] WHO ALREADY PLACED AN NPA AND WAS INITIATING CPR [redacted] I TOOK OVER BY ASSISITNG WITH THE KING LT AND HOOKED UP THE NRB MASK TO O2. [redacted] LOWERED LOVELACE AND CONTINUED TO PROVIDE CPR WITH [redacted] APROX. 1344 FED FIRE ARRIVED AND JOINED IN WITH THE CPR EFFORTS. THIS CONTINUED UNTIL CORONADO PARAMEDICS ARRIVED APROX. 1350. CPR AND ASSESSMENTS CONTINUED UNTIL LOVELACE WAS TRANSPORTED INTO AMBULANCE.

Q: WHAT IS "RED LINE"

A: RED LINE IS AN ALERT TO STAFF ON THE POOL DECK AND IN POOL THAT A STUDENT IS UNRESPONSIVE OR SHOWING SIGNS OF POSSIBLE PENDING UNCONCIOUSNESS.

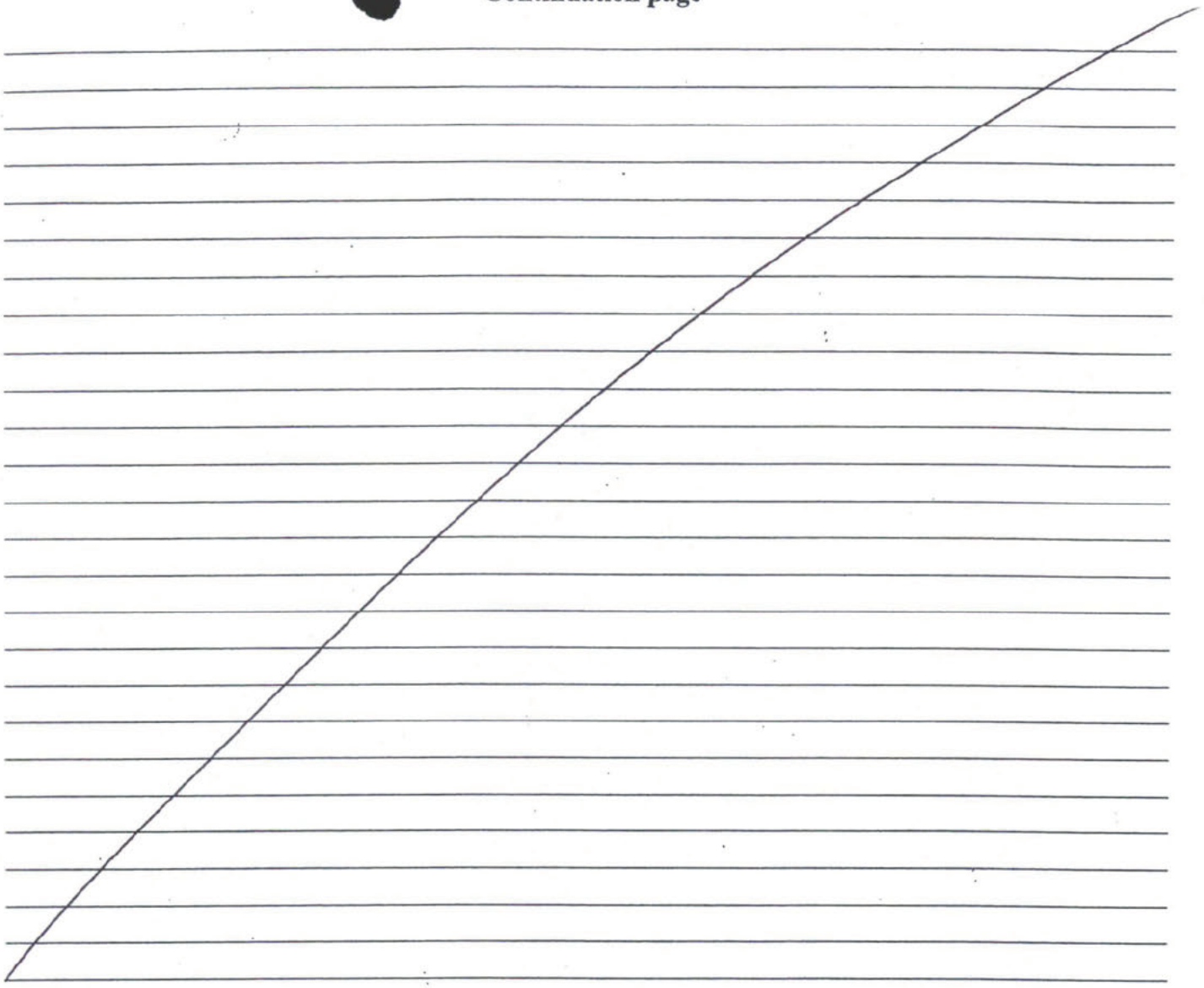
EXHIBIT (6)

Q: DID YOU OBSERVE ANYTHING UNUSUAL ABOUT [redacted] LOVELACE PRIOR TO THE "RE[redacted]INE"?

NO, I DID NOT OBSERVE LOVELACE PRIOR TO HIM ON THE POOL DECK WITH INSTRUCTORS PROVIDING MEDICAL SUPPORT.

NOTHING FOLLOWS

Continuation page



This statement, consisting of this page and 2 other page(s) were handwritten by me after I discussed its contents with SA NCIS (b)(6), (b)(7)(C). I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief.

Signature: [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

Sworn to and subscribed before me this 6TH day of MAY in the year 2016 at

NAR BLDG 604.

Witnessed [redacted] NCIS (b)(6), (b)(7)(C)

ative, Naval Criminal Investigative Service

AUTH: DERIVED FROM ARTICLE 136,
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

STATEMENT

Place : NAB BUILDING #6064

Date : 6 MAY 2016

I, [redacted], make the following free and voluntary statement to NCIS SPECIAL AGENT [redacted] whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of, THE DEATH OF SN JAMES LOVELACE

For the purposes of identification, I am a [redacted]. I am approximately [redacted] and [redacted] eyes. My birthday is [redacted] I was born in (city) [redacted] (state) [redacted] My current residence barracks building/room number is 1300 Seacoast Drive IB, My phone number is [redacted]. I am currently assigned to BTC, I currently maintain a Secret security clearance.

At approx 1300 at the CTT Combat Swimming operations for first phase was conduted. I was the corpsman/IDC responsible for medical coverage during evolution. At approx 1340 SN LOVELACE was brought to the side of the pool by [redacted] stating "Redline". Immediately myself and [redacted] proceeded to remove SN Lovelace from the water and onto the pool deck. SN Lovelace was moaning and little movement was present. Immediately Sternal rubs and face slaps initiated to awake SN Lovelace. SN Lovelace did not respond to sternal rubs and 100% O2 via non-rebreather mask was placed on SN LOVELACE and he also was placed on his side to aid in removal of water he possibly could have ingested. After approx 90 seconds of 100% O2 therapy SN LOVELACE breathing became labored and [redacted] was directed to stop and 911 was called. Around 1344 SN LOVELACE was assessed and was not breathing [redacted] directed to begin CPR. I performed Rescue breaths while [redacted] administered chest compressions. NPA was placed along w/ Kim LT to help with SN Lovelace's airway. At approx 1346 EMT's entered pool deck also placed AED pads on MR. LOVELACE. First shock by

EXHIBIT (7)

AED was not advised and CPR was continued. At approx 1350 SN LEACE was removed from pool deck and placed in ambulance by NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) instructor NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) and myself rode in ambulance and continued CPR. EMT in ambulance administered epinephrine NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) advised to try and suction SN Lovelace. SN LOVELACE WAS TAKEN to Coronado ER and Emergency Room Physician took over CPR and care for SN LOVELACE NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b).

I was asked by NCIS to clarify a few things I wrote

CTT (Combat Training TANK) NAB Pool

Medical Coverage → First Responder

Redline → ~~when student medically DQ'd~~ when student requires medical attention to determine if they can continue w/ training.

Little movement → Eyes were tracking to corpsman and hands and feet were moving.

Assessed → NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b), Look, Listen feel for breathing and pulse.

NPA → NASopharyngeal Airway

King LT → Dired airway

UNKOWN NAME OF EMT that administered epinephrine.

NO FURTHER ENTRY

This statement, consisting of this page and 2 other page(s) were handwritten by me after I discussed its contents with NCIS SA [redacted] NCIS (b)(6), (b)(7)(C) I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief.

[redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

Signature: _____

Sworn to and subscribed before me this 6 day of MAY in the year 2016 at

NAB BUILDING #604

[redacted] NCIS (b)(6), (b)(7)(C)

Witnessed: _____

Representative, Naval Criminal Investigative Service
AUTH: DERIVED FROM ARTICLE 136,
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 09MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3) 10 USC § 130b FRANKFURT, GERMANY

RESULTS OF AUTOPSY ATTENDANCE OF V/LOVELACE

1. On 07May16, Reporting Agent (RA) attended the autopsy of V/LOVELACE at the County of San Diego, Office of the Medical Examiner. V/LOVELACE was pronounced deceased at Sharp Coronado Hospital and the County of San Diego, Office of the Medical Examiner assumed responsibility for the body. The autopsy was performed by Dr. NCIS (b)(6), (b)(7)(C) CIV. Dr. NCIS (b)(6), (b)(7)(C) was assisted by Forensic Autopsy Specialist NCIS (b)(6), (b)(7)(C) CIV. Also in attendance were Participating Agent (PA) NCIS (b)(6), (b)(7)(C) and Forensic Consultant NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C). Medical Examiner autopsy # ME16-1113 began at approximately 0910.

2. As a background, V/LOVELACE, was pulled from the pool after having difficulties and became unresponsive at building 164, Naval Amphibious Base, Coronado, CA. Emergency personnel transported V/LOVELACE to Sharp Coronado Hospital where he was declared deceased.

EXTERNAL EXAMINATION

3. V/LOVELACE was lying in the supine position upon the examination table. An ankle bracelet bearing his name was attached to the deceased. V/LOVELACE measured 5 feet, 8 inches in height and weighed 180 pounds. V/LOVELACE exhibited strong rigor mortis and lividity which was blotchy in appearance. V/LOVELACE had a solid blue shark tattoo on the inside of his right ankle and a tattoo on the inside of his left arm just below the elbow that read "Dioko Apete" in lower case Greek letters. Medical artifacts consisted of the following: endotracheal tube; automated external defibrillator pads; ID bracelet; and IV in left arm. V/LOVELACE had multiple, small abrasions all over his body, with one large red colored abrasion and contusion in the center of his chest. Upon moving V/LOVELACE's arms, red fluid and foam was observed in the endotracheal tube.

INTERNAL EXAMINATION

4. The internal organs were accessed using the standard Y-incision. Dr. NCIS (b)(6), (b)(7)(C) found a large heart, heavy lungs with extra fluid, extra fluid in the stomach, slight swelling of the brain, and approximately 1 mL of fluid in the sphenoid sinus. No other significant abnormalities were observed during the internal examination.

PRELIMINARY RESULTS OF AUTOPSY

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EXHIBIT 8

5. D[redacted] opined the cause and manner of death determination is pending further analysis of the heart.

FINGERPRINTS, CLOTHING, AND EVIDENCE COLLECTION

[redacted] recorded the post-mortem fingerprints of V/LOVELACE. The fingerprints were then transferred to RA. RA submitted the fingerprints to the Consolidated Evidence Facility at the NCIS Southwest Field Office with Log #0269-16, Item A.

7. V/LOVELACE's clothing was retained by his command at the hospital.

PHOTOGRAPHY

8. [redacted] photographed the autopsy. Enclosures (A) and (B) pertain.

ENCLOSURE(S)
(A) CD CONTAING EIGHTY (80) PHOTOS FROM V/LOVELACE'S AUTOPSY/07MAY16
(B) Ten (10) TEMPLATE PHOTOS OF V/LOVELACE's AUTOPSY/07MAY16

REPORTED BY: [redacted] Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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Pages 901 through 911 redacted for the following reasons:
- -
Enclosures (A - B) to Exhibit (8): NCIS (b)(6), (b)(7)(C), Withheld, Indifference to the family

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 18MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
W/A [redacted] FRANKFURT, GERMANY

RESULTS OF SEARCH OF V/LOVELACE'S BARRACKS ROOM

1. On 09MAY16, at 0944 Reporting Agent (RA) and Participant Agent (PA) [redacted] conducted a search of V/LOVELACE's shared barracks room. V/LOVELACE's barracks room was located on the third deck, room 314 within Building 602, aboard Naval Amphibious Base (NAB) Coronado, CA. The barracks room sleeps four students. Upon arrival to room 314, it was noted the door was slightly ajar with a note that said it was broken. V/LOVELACE's black boots and swim mask with his name written on white tape on the back band were on the floor adjacent to the door. Also present during the search were [redacted]. Only V/LOVELACE's spaces (wall locker, foot locker, and rack) were searched. RA provided photographic coverage of the search as well as sketch of room 314. Enclosures (A),(B) and (C) pertain.

2. V/LOVELACE's wall locker, footlocker, and rack were labeled with his last name. V/LOVELACE's wall locker was secured with a personal combination lock and a metal weapon band. The locker was the second wall locker from the bunk beds at the north end of the wall. A bolt cutter was required to break the lock and open it. Once opened, RA, [redacted] systematically searched V/LOVELACE's belongings, to include Navy Uniforms, civilian attire, shoes, suitcase, backpack, and food items. After items were deemed to have no evidentiary value, [redacted] items aside for inventory to provide to the family. No items of probative value were located within the wall locker.

3. A personal combination lock was also used to secure the footlocker. The bolt cutters were again utilized to open the lock. In the top drawer of the two drawer foot locker was an iPhone and power cord. The iPhone and charger was seized and subsequently placed into evidence at the NCISFO San Diego, CA, under log number 273-16. No other items of probative value were identified in the foot locker. RA and PA [redacted] with the exception of [redacted] under and around V/LOVELACE's rack which was the top bunk on the north side of the room. RA opened the refrigerator and freezer to view the contents. RA did not note any items of evidential value. RA, PA, [redacted] remained in the barracks room with another female MA (NFI) who were going to inventory and pack V/LOVELACE's belongings.

ENCLOSURE(S)
(A) Seven Template Photos of V/LOVELACE's Barracks

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ACCESS HERETO. CONTENTS MAY NOT BE DISCLOSED TO THE PA[redacted]
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL I[redacted]

EXHIBIT (9)

Search/09MAY16
(B) CD Containing 27 Photos of the Search of V/LOVELACE's Barracks Room/09MAY16
(C) Sketch of V/LOVELACE's Shared Barracks Room/09MAY16

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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Pages 914 through 922 redacted for the following reasons:
- -
Enclosures (A - B) to Exhibit (9): Referred to Naval Special Warfare Command

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 11MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 09May16, Reporting Agent (RA) interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) regarding the death of V/LOVELACE. The interview took place at Naval Special Warfare Center, Building 604, aboard Naval Amphibious Base (NAB) Coronado.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated V/LOVELACE and other Navy Sea, Air and Land (SEAL) trainees, including him, were performing a combat water treading evolution in a pool aboard NAB Coronado. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated the water tread was fifteen to twenty minutes in duration. All SEAL trainees wore their dive masks filled with water on their faces. The water inside the mask caused NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) blurry vision and he did not know V/LOVELACE's location inside the pool during the evolution. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated the instructors created a stressful and chaotic atmosphere in the pool and he was unaware V/LOVELACE was having trouble in the water. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated SEAL trainees were ordered out of the pool and to muster on the east side of the pool facing the wall. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he did not observe V/LOVELACE being pulled out of the water. While facing the wall, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he saw medics rendering first aid to V/LOVELACE. After the ambulance left with V/LOVELACE, the SEAL trainees continued their evolution.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated trainees were not allowed to return to their barracks. They ran as a group to dinner; they performed collateral duties, such as sweeping and cleaning; and they attended a class together. At about 2100 hours, the SEAL instructors and a chaplain informed the trainees of NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) death. The trainees were split off into small groups for grief counseling sessions if needed. At about 2200 hours, the trainees were allowed to return to their barracks.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) described V/LOVELACE a healthy individual and was unaware if V/LOVELACE had health issues. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) disclosed he was V/LOVELACE's roommate. V/LOVELACE never disclosed to NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) he had any ailments such as shortness of breath, headaches, or any other condition that would prevent him from completing SEAL training. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated V/LOVELACE was not consuming any type of supplement to aid him in this training.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he first met in Navy boot camp and each considered the other a friend. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) CIV, and told them what he had observed in the pool.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) provided the following SEAL training schedule for 06May16 prior to

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EXHIBIT (10)

initiation the swimming pool evolution:
0800-1000 hours: SEAL boat crew training (carrying/lift boat on sand)
Lunch (exact time not recalled)
Combat water treading evolution (exact time not recalled)
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) if he participated in a surf immersion evolution prior to lunch on 06May16.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) not part of V/LOVELACE's boat crew and identified SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) two other roommates of NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) written sworn statement, which is attached to this report as Enclosure (A).

ENCLOSURE(S)
(A) HANDWRITTEN STATEMENT OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) 16

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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STATEMENT

Place: NAD Coronado Room 604

Date: 09 MAY 16

I, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b), make the following free and voluntary statement to NCIS (b)(6), (b)(7)(C), whom I know to be a representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of SN Lovelace, USN.

For identification purposes, I am NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) years old and was born on NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b). My social security number is NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) and my race and sex are NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(1 I am approximately NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) inches tall and I weigh approximately NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) pounds. I currently reside at NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b), and my phone number is NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC

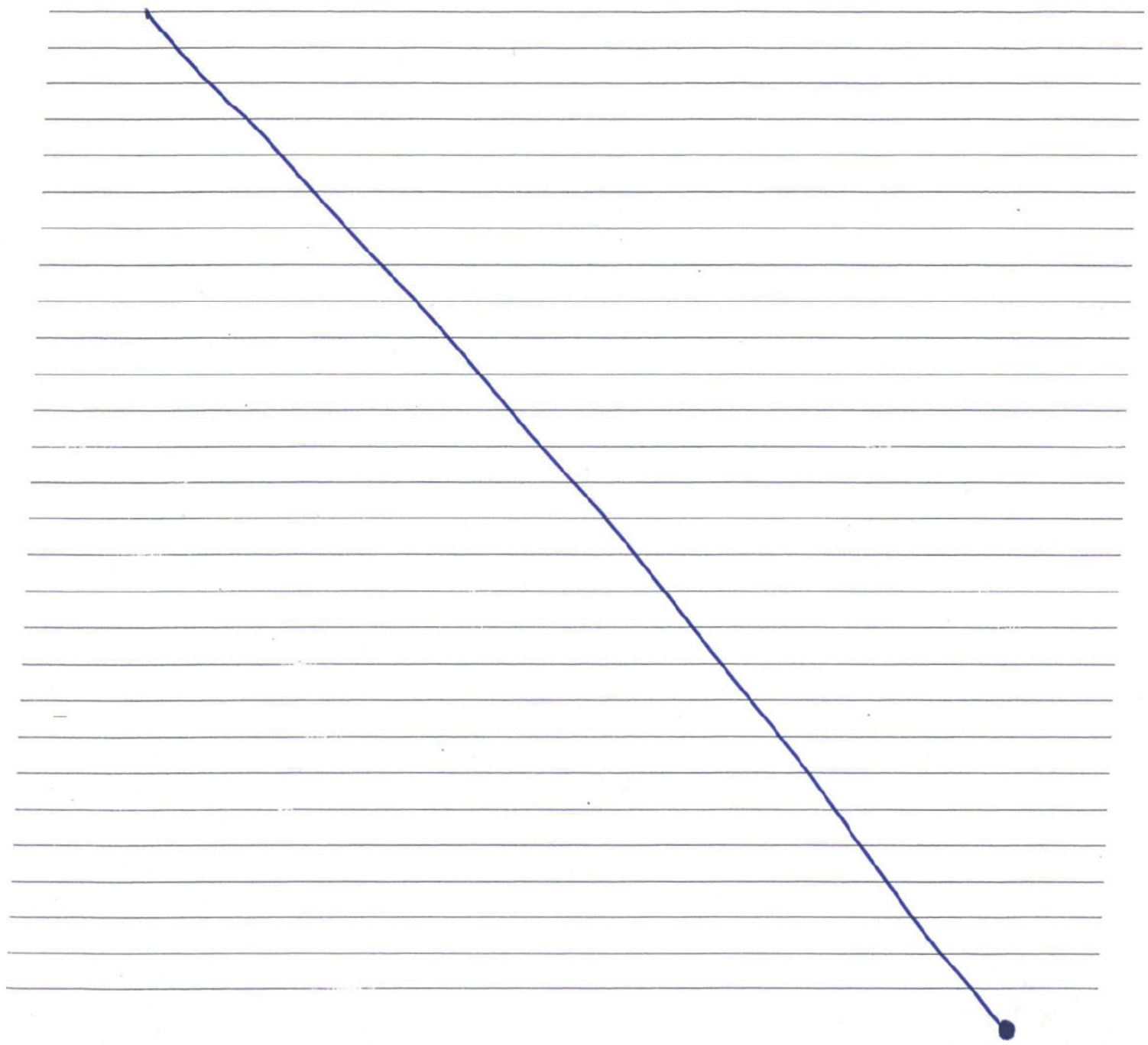
I am a member of the United States NAVY currently assigned to BASIC UNDERWATER DEMOLITION/SEAL and my rank is E-2. I have the following security clearance: SECRET.

DURING A TRAINING EVOLUTION ON MAY 6TH, 2016, OUR CLASS PARTICIPATED IN A COMBAT TREAD. A STUDENT REDLINED IN THE POOL AND WE MUSTERED ON THE EAST SIDE OF THE COMBAT TRAINING TANK. AFTER A MUSTER, IT WAS REVEALED THAT LOVELACE WAS THE STUDENT WHO REDLINED. I LOOKED WEST TO THE SCENE AND SAW LOVELACE ON A MEDICAL BOARD BEING WORKED ON BY AN TEAM OF MEDICS. HE WAS CARTED OFF IN AN AMBULANCE AND THAT WAS THE LAST TIME I SAW HIM.

000925

ENCLOSURE (A)

STATEMENT - CONTINUATIO.



This statement, consisting of this page and 1 other page(s) was prepared by me as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief.

Signature NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

Sworn to and subscribed before me this 9TH day of MAY in the year 2016 at NAB CORONADO 1836

Witnessed NCIS (b)(6), (b)(7)(C)

Representative, Naval Criminal Investigative Service
AUTH: DERIVED FROM ARTICLE 136,
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

STATEMENT

Place: NAB Bldg 604

Date: 9 May 16

I, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b), make the following free and voluntary statement to Special Agent NCIS (b)(6), (b)(7)(C), whom I know to be a representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of the death of SN James Lovelace.

For identification purposes, I am NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) years old and was born on NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b). My social security number is NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) and my race and sex are NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b). I am approximately NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) inches tall and I weigh approximately NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) pounds. I have NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) eyes and NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) hair. I currently reside at NAVAL AMPHIBIOUS BAS CORONADO, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b), and my phone number is NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b).

I am a member of the United States NAVY currently assigned to NSW BTC, and my rank is SN. I have the following security clearance: UNKNOWN.

THE FIRST ACTIVITY OF THE DAY ON FRIDAY WAS PT ON THE GRINDER, DURING THIS TIME I HAD NO INTERACTION WITH SN LOVELACE. FOLLOWING PT WE WENT TO CHOW, THE MEAL WAS NO DIFFERENT THAN ANY OTHER DAY IE: EGGS, WAFFLES, ETC. THE NEXT EVOLUTION OF THE DAY WAS LAND PORTAGE (RUNNING WITH OUR BOATS ON OUR HEADS). THIS WAS A BOAT CREW EVOLUTION THEREFORE HAD INTERACTION WITH SN LOVELACE THE ENTIRE EVOLUTION. SN LOVELACE DID NOT PERFORM OR ACT ~~OF~~ OUT OF HIS NORMAL AT ALL DURING THIS TIME. HE PERFORMED AT THE HIGHEST STANDARD. AFTER LAND PORTAGE WE WENT TO CHOW, I DO NOT REMEMBER THE MEAL OR HAVE ANY CONTACT WITH SN LOVELACE. IMMEDIATELY FOLLOWING CHOW WE TRANSITED TO THE COMBAT TRAINING TANK. THE EVOLUTION OF THE DAY WAS THE COMBAT TREAD. THIS TREAD CONSISTS OF TREADING WATER IN FULL CAMIS, BOOTS, AND MASKS FILLED WITH WATER. DUE TO THE MASK FILLED WITH WATER I COULD NOT SEE LOVELACE DURING THIS TIME. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) SOME TIME WE WERE INSTRUCTED TO REMOVE OUR MASKS AND GET IN BOAT CREW FORMATION. THEN ~~WE~~ WE WERE TASKED WITH REMOVING OUR BOOTS. THIS IS WHEN I LOOKED TO MY SIDE AND NOTICED SN LOVELACE HAVING DIFFICULTY KEEPING HIS HEAD ABOVE WATER. I DID NOT THINK MUCH OF IT AT THE TIME AS MANY PEOPLE WERE STRUGGLING. SHORTLY AFTER I NOTICED HIM THE INSTRUCTORS ON THE POOL DECK POINTED SN LOVELACE OUT TO THE INSTRUCTOR IN THE POOL. THE INSTRUCTOR APPROACHED SN LOVELACE AND PROCEEDED TO CAUSE DISTRESS AS IS NORMAL TO DO TO SOMEONE WHO APPEARS UNCOMFORTABLE. SN LOVELACE WOULD NOT

000927

EXHIBIT (II)

STATEMENT - CONTINUATION

GIVE UP EVEN THOUGH HIS FACE WAS PURPLE COLORED. I DID NOT SEE MUCH AFTER THIS POINT, I KNOW THEY CALLED REDLINE AND BROUGHT HIM TO THE POOLS EDGE. FROM WHAT I COULD TELL HE WAS CONSCIOUS WHEN THE INSTRUCTORS REMOVED HIM FROM THE POOL. AT THIS POINT I KNEW THE MEDICAL STAFF HAD THE SITUATION UNDER CONTROL. NEXT WE WERE ALL MOVED TO THE OPPOSITE SIDE OF THE POOL FOR A HEAD COUNT. THE AMBULANCE CAME AND THEY TOOK SN LOVELACE AWAY. I DO NOT REMEMBER SN LOVELACE ACTING OR SAYING ANYTHING OUT OF THE NORMAL THAT DAY.

IN THE TIME I HAVE KNOWN SN LOVELACE I DO NOT RECALL HIM EVER STRUGGLING WITH SHORTNESS OF BREATH OR ABNORMAL PAINS. I DID NOT HAVE ANY REAL INTERACTION WITH HIM OUTSIDE OF BOAT CREW EVOLUTIONS WHER HE NEVER STRUGGLED WITH HIS HEAITH. I HAVE KNOWN SN LOVELACE SINCE ARRIVING IN GREAT LAKES FOR BOOT CAMP. IN THAT TIME I DON'T RECALL HIM FALLING OUT ON ANY PHYSICAL EVOLUTIONS. I ALWAYS REMEMBER HIM BEING HEALTHY.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

Nothing Follows

STATEMENT - CONTINUATION

Nothing Follows

This statement, consisting of this page and 2 other page(s) was prepared by me as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief.

Signature: NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

Sworn to and subscribed before me this 9th day of May in the year 2016 at 18:24

Witnessed: _____

NCIS (b)(6), (b)(7)(C)

Representative, Naval Criminal Investigative Service
AUTH: DERIVED FROM ARTICLE 136,
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

STATEMENT

Place : NAB Bldg 604

Date : 09MAY16

I, SA NCIS (b)(6), (b)(7)(C) USN, make the following free and voluntary statement to SPECIAL AGENT NCIS (b)(6), (b)(7)(C) whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of,

The death of SN JAMES DEREK LOVELACE 92L

For the purposes of identification, I am a NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b). I am approximately [redacted] feet, [redacted] tall, and weigh approximately [redacted] pounds. I have [redacted] and [redacted] eyes. My birthday is [redacted] I was born in [redacted], My current residence is [redacted] My phone number is [redacted] I am currently assigned to NSWBTC, I currently maintain a UNKNOWN security clearance.

I MET LOVELACE NOVEMBER 23rd, 2015 at NAVAL STATION RECRUIT TRAINING COMMAND FOR BASIC TRAINING. WE WERE BOTH IN THE SAME DIVISION FOR BASIC TRAINING (805) AND THAT IS WHERE OUR BOND STARTED. WE GRADUATED FROM BASIC TRAINING AND MOVED ONTO NSW PREPATORY SCHOOL IN GREAT LAKES. IT WAS HERE THAT WE ACTUALLY STARTED TRAINING TO BECOME A NAVY SEAL. WE WERE BOTH PLACED IN THE SAME BOAT CREW DUE TO OUR SIMILARITY IN HEIGHT. OUR FRIENDSHIP GREW EVEN MORE AS WE STARTED TO WORK OUT AND SEE EACH OTHERS POTENTIAL. WE COMPETED TRAINING TOGETHER AT NSW PREP AND MOVED OUT HERE TO NAB CORONADO, WHERE WE STARTED BASIC ORIENTATION. WE WERE STILL IN EACH OTHERS BOAT CREW AND OUR RACKS WERE ACROSS FROM ONE ANOTHER IN THE OPEN BAY BARRACKS. OUR FRIENDSHIP AND BOND CONTINUED TO GROW. UPON COMPLETION OF BASIC ORIENTATION, WE MOVED OVER TO THE PHASE 1 BARRACKS WHERE WE ROOMED TOGETHER WE HAD HARD EVOLUTIONS AS A BOAT CREW BUT WE MANAGED TO GET THROUGH THEM B NOT JUST BECAUSE OF OUR STRENGTH, BUT BY THE STRONG BOND WE CREATED BETWEEN [redacted]

ON MAY 6TH 2016, WE STARTED OUR DAY OFF WITH BREAKFAST, WHERE WE HAD THE STANDARD EGGS, SAUSAGE, RICE AND WAFFLES. THEN WE

EXHIBIT (12)

PROCEEDED INTO G. DER PT WHERE WE D. CALISTHENICS AND WENT TO HIT THE SURF. IMMEDIATELY FOLLOWING GRINDER PT WE HAD BOAT ON HEADS LAND PORTAGE, IN WHICH WE RAN TO THE DEMO PIT AND BACK WITH ~~THE~~ THE BOAT ON OUR HEADS. LOVELACE DID NOT SHOW ANY SIGN OF WEAKNESS ON THIS EVOLUTION. IN FACT, HE SHOWED GREAT STRENGTH AND DETERMINATION. WHEN THIS EVOLUTION CAME TO AN END, ANOTHER ONE STARTED, SURF IMMERSION. IN THIS, THE STUDENTS LOCK ARMS AND LAY IN THE SURF TO HAVE THE WATER HELP REJUVINAIE YOUR MUSCLES FROM THE LAND PORTAGE. I WAS LOCKED ARMS WITH LOVELACE. I DIDNT NOTICE ANY PROBLEMS WITH HIM OTHER THAN THE SHIVERING FROM THE COLD. AFTER THIS WE PROCEEDED TO CHOW WHERE I WAS NIS CHOW BUDDY, SO WE ATE TOGETHER THERE. WE TALKED ABOUT HOW EXCITED WE BOTH WERE FOR IT TO FINALLY BE THE WEEKEND. AND WE PLANNED ON SLEEPING IN AND GETTIN PLENTY OF HOURS OF SLEEP. THAT WAS A GOOD LUNCHTIME. THEN WE PROCEEDED TO THE COMBAT TRAWING TANK FOR OUR NEXT EVOLUTION, THE COMBAT TREAD. THIS EVOLUTION IS DESIGNED TO SEE HOW COMFORTABLE US STUDENTS WERE IN A HIGH STRESS SITUATION IN THE WATER. WE ALL GOT IN THE WATER AND PROCEEDED TO FILL OUR MASKS WITH WATER. WE WERE TREADING WATER IN THE CHAOS FOR ABOUT 10 MINUTES WITH A CHARGED MASK. WHEN WE TOOK THE MASKS OFF, I NOTICED THAT LOVELACES FACE WAS PURPLE AND HE DID NOT LOOK SO GOOD. ONE OF THE INSTRUCTORS THEN CALLED OUT TO AN INSTRUCTOR IN THE WATER TO HELP LOVELACE SINCE HE WAS ~~ELA~~ CLEARLY STRUGGLING. THIS INSTRUCTOR ENGAGES WITH LOVELACE, HOWEVER HE DID ~~D~~ NOT IMMEDIATELY PROCEED TO HELP HIM. HE PUT ALOT OF PRESSURE ON HIM BOTH VERBAL AND PHYSICAL. HOWEVER LOVELACE HOULD NOT QUIT BECAUSE HE WOULD NEVER. I CONTINUED TO SEE THE INSTRUCTOR PRESSURE HIM AT ALL SIDES OF THE POOL. FINALLY THE INSTRUCTOR REMOVED LOVELACE FROM THE WATER, WITH THE HELP OF ANOTHER AND THEY PROCEEDED TO GIVE HIM MEDICAL ATTENTION

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

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NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

Q: In all the time you knew LOVELACE, did he ever complain/discuss any illnesses or injuries (respiratory, or other illnesses) with you?

A: NO.

Q: On BIGMAY16 during your ocean training, did LOVELACE swallow or inhale any ocean water?

A: MOST LIKELY BUT I DO NOT KNOW FOR SURE.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

)(C), CNSWC (b)(3)(10 USC § 130b) Q: ON 06MAY16, during ocean training, and you swallow or inhale any water?

A: YES NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

)(C), CNSWC (b)(3)(10 USC § 130b) Q: As a result of swallowing/inhaling water, did you feel sick or get sick that day?

A: NO NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

)(C), CNSWC (b)(3)(10 USC § 130b) Q: During lunch on 06MAY16, did LOVELACE APPEAR coherent and healthy to you?

A: YES NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

)(C), CNSWC (b)(3)(10 USC § 130b) Q: During your training in the pool on 06MAY16, when you saw LOVELACE'S FACE purple, were you concerned about his safety or well being?

A: YES NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

)(C), CNSWC (b)(3)(10 USC § 130b) Q: Did you feel he should have been helped sooner than he was actually taken out of the pool?

A: ABSOLUTELY NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

C), CNSWC (b)(3)(10 USC § 130b) Q: When you mentioned masks being removed, did LOVELACE remove his own mask?

A: YES NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

(C), CNSWC (b)(3)(10 USC § 130b) Q: When you say the instructor put pressure on him verbally physically, what do you mean?

A: YELLING AT HIM AS IN ASKING IF HE WAS [illegible] AND GETTING IN HIS FACE AND FOLLOWING HIM ARAND WHILE LOVELACE WAS NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) SWIMMING

)(C), CNSWC (b)(3)(10 USC § 130b) Q: DO YOU know the name of this instructor? If so, who?

A: YES BUT I WOULD PREFER NOT TO NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

)(C), CNSWC (b)(3)(10 USC § 130b) Q: ARE YOU AFRAID OR INTIMIDATED TO ANSWER THE PREVIOUS QUESTION?

A: NO NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

7)(C), CNSWC (b)(3)(10 USC § 130b) Q: DID LOVELACE EVER DISCUSS FAMILY ILLNESSES OR HISTORIES OF ILLNESSES OR DEATH AT AN EARLY AGE?

A: HE BRIEFLY MENTIONED THAT NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) BUT THAT

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

IS ALL HE SAID BECAUSE I DON'T THINK HE LIKED ALKING ABOUT IT

Q: Do you know if he had siblings?
A: NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

Q: Did he have a girlfriend / boyfriend?
A: HE HAD AN EX-GIRLFRIEND THAT HE STILL TALKED TO EVERYDAY AND ACTED LIKE THEY WERE STILL DATING. HER NAME NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

Q: DID HE EVER USE YOUR CELL PHONE OR ELECTRONIC DEVICES TO SURF THE INTERNET?
A: NO.

Q: DO YOU know the password to his iPhone 6?
A: NO.

Q: IS THERE ANYTHING ELSE YOU'D LIKE TO ADD TO THIS STATEMENT OR SOMETHING YOU FORGOT TO MENTION PREVIOUSLY?
A: LOVELACE WAS A ONE OF A KIND GUY WHO WOULD HAVE DONE ANYTHING FOR HIS BROTHERS. GONE BUT NEVER FORGOTTEN.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C)

nothing further on this page

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

Continuation page

1.

NCIS (b)(6), (b)(7)(C)

nothing further

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) this statement, consisting of this page and 4 other page(s) were handwritten by me after I discussed its contents with SA. NCIS (b)(6), (b)(7)(C) I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

Signature: NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

Sworn to and subscribed before me this 9 day of MAY in the year 2016 at 1852

Witnessed: NCIS (b)(6), (b)(7)(C)

Representative, Naval Criminal Investigative Service

AUTH: DERIVED FROM ARTICLE 136, UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

Page 5 of 5 NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

STATEMENT

[redacted] Place: NAB BLDG CAU NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

[redacted](7)(C), CNSWC (b)(3)(10 USC § 130b) 06MAY16 0900

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b), make the following free and voluntary statement to SPECIAL AGENT NCIS (b)(6), (b)(7)(C), whom I know to be a representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of DEATH OF JAMES OLIVER LOVELACE

NCIS (b)(6), (b)(7)(C), CNSWC

For identification purposes, I am NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) years old and was born on NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b). My social security number is NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) and my home address is NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) inches tall and I weigh approximately NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) pounds. I have NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) hair. I currently reside at BARRACKS NAB, and my phone number is _____.

I am a member of the United States NAVY currently assigned to NSW, and my rank is EN-01. I have the following security clearance: S NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

[redacted], (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) & I met on the first day of Basic Orientation. I WAS HIS BOATCREW LEADER SINCE DAY 1. HE WAS A GREAT ATHLETE WITH THE CHARACTER TO MATCH. HE NEVER COMPLAINED AND ALWAYS PUT THE TEAM BEFORE HIMSELF.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130

[redacted](7)(C), CNSWC (b)(3)(10 USC § 130b) JR LOVELACE DIED ON 06 MAY 16 DURING A COMBAT TREAD EVOLUTION IN THE CTT. IT WAS AN EVOLUTION THAT TESTED HOW COMFORTABLE WE COULD BE IN THE WATER ~~WHILE~~ UNDER STRESS.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

[redacted]S (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) THE COMBAT TREAD WAS THE THIRD EVOLUTION OF THE DAY. IN THE MORNING, WE DID LAND PORTAGE AND SURF EMERSION. AFTER EATING LUNCH, WE HEADED TO THE CTT.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

[redacted](7)(C), CNSWC (b)(3)(10 USC § 130b) DURING THIS EVOLUTION, WE ALL HAD TO FILL UP OUR MASKS WITH WATER. THIS CREATES CONFUSION FOR STUDENTS AND SOME THE INSTRUCTORS ARE IN THE WATER WITH US MAKING SURE WE HAVE WATER IN OUR MASKS THE ENTIRE TIME. IT WAS VERY CHAOTIC, SO I DID NOT SEE LOVELACE UNTIL HE APPEARED TO BE DEAD. ONCE WE WERE INSTRUCTED TO TAKE OUR MASKS OFF, I SAW INSTRUCTOR NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) SWIMMING LOVELACE TO THE SIDE OF THE POOL WHILE SLAPPING HIM IN THE FACE TELLING HIM TO WAKEUP. LOVELACE HAD A PALE, PURPLE HUE TO HIS [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) SKIN TONE. WE WERE THEN INSTRUCTED TO EXIT

000935

EXHIBIT (13)

THE POOL AND MUSTER ON THE OPPOSITE SIDE OF THE POOL WHILE INSTRUCTORS PERFORMED CPR. WE WERE MUSTERED FOR ABOUT 20 min. DURING THIS TIME, WE HEARD SIRENS AND LOVELACE WAS RUSHED TO THE ER. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) WE HOPED FOR THE BEST, BUT AS FRIDAY NIGHT CAME AND WE SAW ALL THE INSTRUCTORS STILL HERE ALONG WITH THE MASTER CHIEF AND THE CO, WE KNEW SOMETHING WAS WRONG. THEY MUSTERED US IN THE DONNELL CLASSROOM AND INFORMED THE CLASS ABOUT LOVELACE'S DEATH. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

(b)(7)(C), CNSWC (b)(3)(10 USC § 130b) I DO NOT RECALL IF LOVELACE HAD ANY HEALTH PROBLEMS. HE NEVER MENTIONED ANYTHING ABOUT TAKING SUPPLEMENTS, EITHER.

NCIS (b)(6), (b)(7)(C), CNSWC

STATEMENT - CONTINUATIC.

This statement, consisting of this page and 7 other page(s) was prepared by me as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief.

Signature: NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

Sworn to and subscribed before me this 9 day of MAY in the year 2016 at 1850

Witnessed: NCIS (b)(6), (b)(7)(C)

Representative, Naval Criminal Investigative Service
AUTH: DERIVED FROM ARTICLE 136,
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

STATEMENT

Place : NAB BUDS # 604

Date : 09MAY16

I, SN [redacted], make the following free and voluntary statement to NCIS SA [redacted], whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of, THE DEATH OF SN JAMES LOVELACE

For the purposes of identification, I am a SN [redacted]. I am approximately [redacted] tall, and weigh approximately [redacted]. I have [redacted] hair and [redacted] eyes. My birthday is [redacted] I was born in [redacted] (city) [redacted] My current residence barracks building/room number is [redacted], My phone number is [redacted]. I am currently assigned to NSWBTC, I currently maintain a UNKNOWN security clearance.

I MET LOVELACE ABOUT A WEEK INTO BOOTCAMP. FROM THE BEGINNING I KNEW HE WAS A GOOD GUY. WE ARE BOTH FROM FLORIDA SO THAT AUTOMATICALLY CONNECTED US. HE WAS THE KIND OF GUY ALWAYS WILLING TO HELP OUT HIS BUDDIES. AFTER BOOT CAMP WE GOT A LITTLE CLOSER BECAUSE IN BUD/S PREP WE WERE IN THE SAME BOAT CREW. THIS IS WHEN I FIRST STARTED TO RECOGNIZE HIS PASSION FOR THIS PROGRAM. NOBODY EVER HAD A PROBLEM WITH HIM, HE TREATED EVERYONE WITH RESPECT. WHEN WE FIRST GOT OUT HERE AND STARTED BUDS ORIENTATION HE HAD A POSITIVE ENERGY ABOUT HIM THAT DREW PEOPLE IN. WHEN WOULD GET DROPPED FOR A SET OF PUSHUPS HE WOULD BE THE LOUDEST GUY AROUND COUNTING THEM OUT. HEARING HIM BE SO MOTIVATED PUSHED ME TO RAISE MY ENERGY. HE WAS ALWAYS ONE OF THE GUYS I WAS LOOKING TO COMPETE AGAINST. EVEN THOUGH HE WAS A YOUNGER GUY, SOME OLDER GUYS LOOKED UP TO HIM. LAST FRIDAY IN THE POOL LOVELACE WAS NOT LOOKING SO GOOD. IT WAS A COMBAT TREAD AND TREADING WAS PROBABLY HIS ONLY WEAKNESS. WHEN WE FINALLY TOOK OUR MASKS OF THAT WERE FILLED WITH WATER I GLANCED AT HIM AND IMMEDIATELY KNEW THAT HE HAD BEEN STRUGGLING. WHEN WE WERE ORDERED TO

EXHIBIT (14)

GET INTO BOAT CREW FORMATION I BEGAN TO MOVE TOWARDS OUR BOAT CREW LEADER. WE FINALLY GOT LINED UP ABOUT 5 MINUTES LATER AND I TOOK A LOOK AROUND TO MAKE SURE WE HAD ALL OF OUR GUYS AND THAT THEY WOULD BE READY FOR THE NEXT TASK THROWN AT US. AT THAT TIME I SAW LOVELACE AND HIS FACE WAS PURPLE AND I KNEW IT WASNT GOOD. A MINUTE LATER AN INSTRUCTOR FROM THE DIVE POOL SWAM OVER TO ONE OF THE INSTRUCTORS IN THE POOL WITH US. HE HOLLERED TO HIM "THAT GUY DOESN'T LOOK SO GOOD". THE INSTRUCTOR IN THE WATER SWAM OVER TO HIM AND TRIED TELLING HIM TO KEEP HIS HEAD ABOVE THE WATER AND THEN HE SPLASHED WATER IN HIS FACE A COUPLE TIMES. I TURNED MY ATTENTION FORWARD TO FOLLOW THE NEXT SET OF ORDERS. AFTER THAT A COUPLE MINUTES PASSED BY AND THEY PULLED HIM OUT OF THE POOL UNCONCIOUS. WE WERE TOLD TO GET OUT OF THE POOL AND GET INTO A BOAT CREW MUSTER. 5 MINUTES LATER SIRENS WERE PULLING UP.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

I WAS ASKED TO CLARIFY WHAT THE COMBAT TREAD IS. THE COMBAT TREAD CONSISTS OF TREADING WATER IN BOOTS, PANTS, AND BLOUSE. YOU ARE REQUIRED TO TAKE THEM ALL OFF AND PUT THEM BACK ON WHILE STAYING AFLOAT.

I AM NOT AWARE THAT LOVELACE EVER HAD ANY HEALTH ISSUES.

NOTHING FURTHER

Continuation page

NOTHING FURTHER

This statement, consisting of this page and 2 other page(s) were handwritten by me after I discussed its contents with NCIS SA NCIS (b)(6), (b)(7)(C) I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief.

Signature: NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

Sworn to and subscribed before me this 9TH day of MAY in the year 2016 at

1830 NAB BLDG # 604

Witnessed: _____

NCIS (b)(6), (b)(7)(C)

Representative, Naval Criminal Investigative Service
AUTH: DERIVED FROM ARTICLE 136,
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

STATEMENT

Place: NAB Bldg 604

Date: 9 May 06

I, SN [redacted], make the following free and voluntary statement to Special Agent [redacted], whom I know to be a representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of the Death of SN James LOVELACE.

For identification purposes, I am [redacted] years old and was born [redacted]. My social security number is [redacted] and my race and sex are [redacted]. I am approximately [redacted] inches tall and I weigh approximately [redacted] pounds. I have [redacted] eyes and [redacted] hair. I currently reside at NAB CORONADO, and my phone number is [redacted]. I am a member of the United States NAVY currently assigned to NAB CORONADO, and my rank is SN. I have the following security clearance: UNKNOWN.

On the night of May 5th, our class completed all evolutions and collateral duties as appointed. [redacted] My roommates (including SN Lovelace) cleaned our room and prepped gear for the next day, while I completed administrative work for our class. All roommates (including SN Lovelace) were asleep by the time I arrived back at our room. Our room woke at approx 4am for the next day's evolutions. I saw SN Lovelace throughout the morning. He did not have any issues with the physical training and was actually performing very well. I did not see him during the pool skills evolution in the afternoon of May 6th.

I have known SN Lovelace for approx. 6 months. During this time, he has always been in great health. He always excelled at any physical evolution. Regularly pool skills and swimming, he was average in terms of ability. He did not complain of recent health issues nor any chronic issues. From a mental perspective, he was always in a position [redacted]

Nothing Follows

000942

EXHIBIT (15)

STATEMENT - CONTINUATION

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

Nothing Follo

This statement, consisting of this page and 1 other page(s) was prepared by me as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

Signature:

Sworn to and subscribed before me this 2nd day of May in the year 2016 at 1850

NCIS (b)(6), (b)(7)(C)

Witness

NCIS (b)(6), (b)(7)(C)

Representative, Naval Criminal Investigative Service

AUTH: DERIVED FROM ARTICLE 136,
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 09MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FURT, GERMANY

RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN

1. On 09May16, Reporting Agent (RA) interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Special Warfare (NSW) Coronado, CA (SSN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)) at Building 604 Naval Amphibious Base (NAB) Coronado, regarding the death of V/LOVELACE. Prior to the interview, RA identified himself both verbally and by show of credentials. As NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) identified as a member of V/LOVELACE's training Boat Team 16.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) provided the following details: On 06May16, at approximately 0630 NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) assembled at the quarterdeck in preparation for a day of SEAL training at NAB, Coronado. Between approximately 0830-0900 hours, the SEAL students had their first evolution of the day, the "Boats on Heads" training where each boat team carried their respective boats on their heads for a three mile NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) were apart of Boat Team 16. According to NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) during the Boats on Heads training evolution, V/LOVELACE "looked good." Between 1200-1300 hours, the students had lunch. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) if he saw V/LOVELACE during lunch.

3. Between 1300-1400 hours, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) underwent the Combat Tread evolution training, located at the Combat Training Tank, NAB, Coronado, along with approximately 115 other SEAL students. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) pool attending to students, while NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) the dive tower issuing commands to the students (NFI). During the Combat Tread training evolution, students were treading water at the deep end of the tank while in full "cami" uniforms and water within their masks. The water in the masks NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) the middle of the training evolution, V/LOVELACE appeared to be "doing fine;" however, at an unknown time, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) doesn't look very good." NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) pertained to V/LOVELACE; however, shortly thereafter, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE out of the pool with a lifeguard rescue tube, and an unknown individual performed cardiopulmonary resuscitation (CPR) on V/LOVELACE. At that point, students were instructed to muster at the opposite side of the pool and face away from V/LOVELACE. At an unknown time, an ambulance responded to aid and transport V/LOVELACE.

4. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) at the SEAL training orientation. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) a "good guy," who always smiled and never NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) if V/LOVELACE ever disclosed any medical issues or if he consumed any types of supplements.

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EXHIBIT (16)

5. At the conclusion of the interview, [redacted] provide RA with a sworn written statement. Enclosure (A) pertains.

ENCLOSURE(S)
(A) DECLINED HANDWRITTEN STATEMENT BY [redacted]

REPORTED BY: [redacted] Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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STATEMENT

Place: NAB BLDG 604

Date: 09MAY16

I, [redacted], make the following free and voluntary statement to SPECIAL AGENT [redacted] whom I know to be a representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of DEATH OF PETER LOVELACE

For identification purposes, I am [redacted] years old and was born [redacted]. My social security number is [redacted] and my race and sex are [redacted]. I am approximately [redacted] inches tall and I weigh approximately [redacted] pounds, have [redacted] eyes and [redacted] hair. I currently reside at BARRACKS NAB, and my phone number is [redacted]

I am a member of the United States NAVY currently assigned to NSW, and my rank is SA. I have the following security clearance: S

DECLINED TO PROVIDE STATEMENT

ENCLOSURE (A)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 11MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN

1. On 09May16, Reporting Agent (RA) interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) regarding the death of V/LOVELACE. The interview took place at Naval Special Warfare Center, Building 604, aboard Naval Amphibious Base (NAB) Coronado.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated V/LOVELACE and other Navy Sea, Air and Land (SEAL) trainees, including him, were performing a combat water treading evolution inside a pool located aboard NAB Coronado. The twenty-five minute evolution was NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) "Drown Appreciation" training. During this evolution, SEAL trainees fill their dive masks with water prior to placing them on their faces. They subsequently tread water in the pool while SEAL instructors generate a chaotic environment. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) instructors used bullhorns to create a stressful environment, while other instructors inside the pool direct trainees to make boat crew formations.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated his boat crew consisted of seven SEAL trainees and believed there were seven boat crews in the pool. They all treaded water in the fifteen foot deep area NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE or any other trainees. With the mask full of water, he could not see who was near him, and only saw bodies treading water. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) were two instructors positioned in dive towers and three to four instructors inside the pool with the trainees.

4. At about twenty minutes into the evolution, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) instructor on a dive tower yell, "He looks bad. He's in trouble!" The dive tower instructor was pointing to V/LOVELACE. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) instructor inside the pool swim towards V/LOVELACE. The instructor was talking to V/LOVELACE, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) what the instructor was telling V/LOVELACE. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) explained the evolution continued, and the instructors never stopped using bullhorns or stopped creating a stressful environment. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) instructor was holding V/LOVELACE up in the water. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) get into formation with his boat crew. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) indicated V/LOVELACE appeared to be conscious and had his eyes open. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recalled telling V/LOVELACE to get in formation and tried guiding him towards their boat crew. V/LOVELACE did not respond or speak.

5. As the evolution continued, the trainees were instructed to remove their boots and lift them over their heads as they continued to tread water. Soon thereafter, all of the trainees were ordered out of the pool and muster in a corner of the pool as they faced a wall. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) trainees faced

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EXHIBIT (17)

away from where V/LOVELACE was being medically assessed by NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) cardiopulmonary resuscitation (CPR) and chest compressions being performed on V/LOVELACE. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) believed he heard an automated external defibrillator (AED) being used on V/LOVELACE. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) observed V/LOVELACE being slapped on the face and hit on the chest by medical staff, as they tried making him regain consciousness. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) observed the ambulance and heard the movement of persons and equipment. After V/LOVELACE was taken away in the ambulance, the evolution continued.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) provided the following SEAL training schedule for 06May16 prior to initiation the swimming pool evolution:
0730-1000 hours: SEAL boat crew training (carrying/lift boat on sand)
1000-1045 hours: Surf immersion training
1045-1115 hours: Lunch

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he never observed V/LOVELACE have a shortness of breath at any time during the training evolutions. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated V/LOVELACE was one of the stronger guys on the team. V/LOVELACE never disclosed having any health issues to NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was unaware if V/LOVELACE consumed any supplements to enhance his performance during training.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was offered the opportunity to provide a handwritten statement, but kindly declined not to provide one.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 16MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) KFURT, GERMANY

RESULTS OF RE-INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 12May16, Reporting Agent (RA) re-interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) S (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) 604, Naval Special Warfare (NSW) training facility, Naval Amphibious Base, Coronado, CA. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) interviewed on 09May16. The purpose of the re-interview was to obtain further details associated with NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) on 06May16, wherein V/LOVELACE died subsequent to participating in a Combat Training Tank (CTT) training evolution. At the time of his demise, V/LOVELACE was enrolled as a student candidate at the Basic Underwater Demolition/SEAL (BUD/S) training program.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) had not had any physical complications since beginning BUD/S, despite the normal aches and pains from training every day. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) evolution on 06May16, consisted of the class being divided into two groups, approximately fifty students each. V/LOVELACE, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) to the same boat crew and were instructed to enter the pool first where they conducted the "combat tread." NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) first 5-10 minutes were very chaotic as the students were instructed to "charge" (fill with water) their masks then attempt to organize into their assigned boat crews as they continued to tread water. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) he "charged" his mask, being able to see clearly became very difficult. Approximately fifteen minutes into the exercise, the students were instructed to remove the masks from their faces and let them hang around their necks. It was at this point that NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) initially saw V/LOVELACE, who was located in a position behind and to the left of NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE appeared to be "purple" in the face. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) realized right about that same time the students were instructed to remove their boots and hold them up in the air when he recalled one of the instructors (NFI) state "that guy doesn't look so good," referring to V/LOVELACE. V/LOVELACE was then "buddy towed" by an unknown instructor (NFI) to the side of NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) the students were facing away from the events involving V/LOVELACE. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) opined V/LOVELACE appeared to be unconscious, however, he could not definitively say for certain. The instructors next directed the students to the opposite side of the pool where they were told to sit facing away from the location where V/LOVELACE was being attended to on the outside of the NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) approximated the total time in the pool when this happened to be 25-30 minutes. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) students sat facing away from V/LOVELACE for approximately 15 minutes before they were eventually told V/LOVELACE was taken by ambulance to the hospital, but the instructors did not have any additional information at that time.

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EXHIBIT (18)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not have any complications during the 06May16, training evolution, however, he has witnessed at least two other students besides V/LOVELACE have complications during various other pool evolutions. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) complications during their prep training phase in Great Lakes, IL. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) are also not proficient at treading water. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) knowing V/LOVELACE was not comfortable at treading water. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) previously seen instructors having to resuscitate any student, but recalled an incident during BUD/S Orientation (BO) , prior to formally engaging in BUD/S training in which a sailor, possibly NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) blacked out in the pool during a knot tying evolution. According to NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) challenged by an instructor to complete a multiple knot tying challenge underwater, which NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) after completing three knots and had to be removed from the pool. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was unsure as to what measures were utilized to resuscitate NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) breathing without issue.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) CTT evolution for the 06May16, date did not include the students participating in training called "drown proofing," wherein the students hands are bound behind their backs and their feet bound together. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) students engaged in "drown proofing" training on 12May16, the date in which RA interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) to say after V/LOVELACE was removed from the CTT by ambulance, training resumed and the two groups switched their training NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) calisthenics outside the pool with "charged" masks while the other group engaged in the combat tread pool NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) portion of the training only lasted approximately five minutes before the students were informed to stop, get dressed and departed the training area together. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recall what the rest of the day's training evolution consisted of, other than to say the students went to "chow" (dinner) with the instructors keeping watch over them which never happens. The interview NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) ended a short time later.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 12MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

RESULTS OF RE-INTERVIEW NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 12May16, Reporting Agent (RA) re-interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN, Naval Special Warfare (NSW) Coronado, CA, at Bldg. 604 Naval Amphibious Base (NAB) Coronado, regarding the death of V/LOVELACE. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was previously interviewed on 09MAY16. The purpose of this interview was to obtain further details of the Combat Swimmer Orientation (CSO) training wherein V/LOVELACE was pulled from the pool and later died. Prior to the interview, RA identified himself both verbally and by show of credentials. As NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was a member of NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) training Boat Crew 16.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) provided the following details: NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was training students engaged in the CSO Evolution at NAB Coronado. It was the NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) first time participating in the evolution. During the evolution, students were fully dressed with their boots, while treading water in the pool and being splashed and pushed underwater. Throughout the evolution, students were asked to "charge masks." The phrase, "charge mask," meant to fill your mask with water, which made it hard for students to see. Students were not restrained during the evolution. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not have any complications during the evolution. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) SEAL students in his class decided to quit the Seal training program during the Combat Evolution Training. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not recall their names or the specific part of the evolution where they quit.

3. At an unknown time during the evolution, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) saw V/LOVELACE being pulled out of the pool. Cardiopulmonary resuscitation (CPR) was possibly performed on V/LOVELACE by NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) and NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) as all students were instructed to report to the opposite side of the pool and to face away from V/LOVELACE. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) explained that when a student "redlines," they are pulled off to the side of the pool and put into a "recovery position." NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) described the term "redline" as passing out; NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) usually students come to pretty quickly."

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated there were cameras on the pool deck, but was unsure if they actually existed.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) has not spoken with the media or anyone outside of his command regarding the death of V/LOVELACE.

6. At the conclusion of the interview, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) provided no additional information.

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EXHIBIT (19)

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 12MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

RESULTS OF RE-INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 12May16, Reporting Agent (RA) re-interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN, Naval Special Warfare (NSW) Coronado, CA, at Bldg. 604 Naval Amphibious Base (NAB) Coronado, regarding the death of V/LOVELACE. Prior to the interview, RA identified himself both verbally and by show of credentials. As stated, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was a member of V/LOVELACE's training Boat Crew 16. During a previous interview, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) written statement that was documented under a separate cover.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) provided the following details: NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) training students engaged in the "Combat Tread Evolution," where students were tightly gathered in the swimming pool at NAB Coronado while treading water in full "cammies" and their boots. It was the 1st time NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) participated in the evolution. During the evolution, instructors gave commands, yelled, dunked and splashed water at students, which was all meant to create stress for the students. Students were also constantly instructed to "charge their masks," which meant to fill their masks with water in order to obstruct their vision. Throughout the evolution, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) the chaos of being "sardined packed" in the pool with the other students. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) not restrained during the evolution.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) the evolution, instructors paid extra attention to CIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) unknown instructors were splashing and dunking him. (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) extra attention. In addition to the incident leading up to the death of NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) similar incident that involved complications during a previous Combat Tread Evolution training session where, during March 2016, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) SEAL Trainee Class 318, was sent to an Emergency Room (ER) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) unable to provide additional information pertaining to the incident.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) water evolution someone redlines." The term "redline" NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recalled one incident NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) redlined during an underwater knot tying evolution. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) instructor, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) "Redline," and instructed everyone to get out of the pool. Once a SEAL instructor NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) training in the pool.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) rumors of video cameras being hidden in the pool area; however, he was unsure if they actually existed.

CIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) not spoken with the media or anyone outside of his

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EXHIBIT (20)

command regarding the death of V/LOVELACE.

6. At the conclusion of the interview, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3) 10 USC § 130b provided the following information.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 12MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF RE-INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 12May16, Reporting Agent (RA) re-interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
(SSN: 7751), to obtain amplifying details of his knowledge of the events of
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) interviewed on 09May16. RA identified himself
verbally and with a show of credentials.

2. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) described the training evolution of 06May16 as the "Combat Tread."
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated the goal of this training is to test students'
confidence in the water. Students enter the pool in full Battle Dress
Uniforms (BDUs), combat boots, and dive masks which are "charged." A charged
mask means it is full of water, which obstructs the students' view. Once in
the pool, students form a tight formation. Instructors swim between the
students in the formation and splash water in the students' faces. The
instructors also tug on the students' BDU blouses. The students are required
to find all the members of their boat crew and stay together. Instructors
then tell students to remove a specific piece of clothing and hold it up.
These instructions are issued NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) described the training as
intentionally chaotic and believed V/LOVELACE may have unintentionally been
dunked underwater on multiple occasions by other students in the
confusion.

3. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) began splashing "lots of water" in V/LOVELACE's
face at one point during the training. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) had been cheating
during the training and had cleared his mask of water so he could see. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
stated he observed V/LOVELACE try to swim away from NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) but
continued to follow him and splash water in V/LOVELACE's face. V/LOVELACE as
appearing purple NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) told the instructor with the bullhorn
tell the instructors in the pool to remove V/LOVELACE from the water. An
instructor named (NFI) pulled V/LOVELACE out of the pool. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
V/LOVELACE was unconscious when NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) pulled him from the water. A short time
following V/LOVELACE's removal from the pool, the students were ordered to
exit and fall in. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated medical attention for
V/LOVELACE took too long, and estimated it was seven to ten minutes before
care was given.

4. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was treated equally during the training. V/LOVELACE
did not receive any more or less instructor attention than any other
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) experience any physical complications of his own at
any point since starting NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) rescued another student
need resuscitation prior to 06May16. Other treading water exercises had
previously been conducted, but the 06May16 exercise was the first time the

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EXHIBIT (21)

training was conducted in full BDUs and boots.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) anyone filming or photographing the training, but stated a surveillance style camera covers the section of the pool where the exercise was being conducted. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) of the footage was recorded NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) death of V/LOVELACE with some of his civilian high school friends and NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) the training scenario to V/LOVELACE's parents. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) had dinner with NCIS (b)(6), (b)(7)(C) during the weekend of 07/08May16. NCIS (b)(6), (b)(7)(C) stated NCIS (b)(6), (b)(7)(C) were aware of the media interest surrounding NCIS (b)(6), (b)(7)(C)

6. RA provided his contact information at the conclusion of the interview.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 12MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

RESULTS OF RE-INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN

1. On 12May16, Reporting Agent (RA) re-interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) to obtain amplifying information regarding the of the events of 06May16. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) previously interviewed on 09May16, RA identified himself verbally and with a show of credentials.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) referred to the training evolution of 06May16 as the "Combat Tread." During the training, students wore full Battle Dress Uniforms (BDUs), boots, and a dive mask in the pool. The dive mask was "charged," meaning it is full of water and obstructs the wearer's view. The students tread water as an instructor issued commands via a bullhorn. The instructions required the students to find all the members of their respective boat crews and move together to the designated area of the pool. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) there are instructors also in the pool during the training. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) instructors splashed water on the students in the pool because the instructors want "to see if you can calm yourself." Similar training had been conducted before, but the 06May16 training evolution was the first time the training had been conducted in full BDUs. No students were restrained or bound at any time during the 06May16 training.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was not aware of any students have physical complications at any time during any training evolution. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he had not experienced any physical complications of his own at any time.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) noted a surveillance style camera in the northwest corner of the pool area. He was not sure if the camera recorded video or not. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was not aware of anyone video recording or taking pictures during the training. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) had not spoken with the media at any point about the death of V/LOVELACE, but no one else.

5. RA provided his contact information at the conclusion of the interview.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent

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PAGE 1

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EXHIBIT (22)

OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 16MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF RE-INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 12May16, Reporting Agent (RA) re-interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN, in reference to his knowledge of the Combat Swimmer Orientation incident concerning V/LOVELACE, USN, on 06May16 and to provide further details of the incident. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was interviewed separately. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was a member of the same boat crew as V/LOVELACE.

2. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated the Combat Swimmer Orientation evolution in NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) were dressed in their camouflage pants, jackets and boots. Students did not wear undershirts or socks during the evolution. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) missed part of the instruction because he had to go with his battle buddy who was sandy to decontaminate. Upon returning he noticed the group was split into two groups. Each group contained approximately 50 sailors, within each group were subsections called boat crews containing approximately 7 sailors.

3. The group assigned to the pool deck participated in calisthenics to include flutter kicks, pushups and other exercises. Students also did drills in the shallow end of the pool. The second group conducted the swim evolution at the deep end of the pool. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) instructors were in the pool with an instructor in the tower giving instructions to students. Though already assigned to boat crews, students were staggered in their entry to the pool. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) instructors gave students instructions on entering the swimming pool. An example of the instructions given to students would be, "people with a January birthday to get in the water" this would be followed by individuals with another month getting in the water. This continued until all members of the boat crews were in the pool. The students were instructed to charge their mask (fill the mask with water) and to assemble into their respective boat crews in a single file line. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) described the exercise as chaotic and hectic due to people attempting to stay above water and remain in the boat crew. He stated visibility was limited because the masks were charged. Instructors would give instructions for certain boat crews to move south or north. The movement of multiple boat crews contributed to NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) 8 to 9 boat crew switches were conducted during the span of about 25 minutes. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) at no time were students restrained during the exercises. He was unaware if any of the exercise was recorded.

4. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) participated in a similar exercise in a preparatory course prior to Basic Underwater Demolition/SEAL (BUD/S) training. When asked if he had experienced physical complications in the course, he stated

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NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) students struggle in the training evolutions and he has seen "REDLINES" called by instructors. He stated when REDLINES are called, students typically exit the pool and muster. During the 06May16, students were advised to stay in the pool unless they were specifically told to get out of the pool. While conducting the boat [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) an instructor call the REDLINE for medical attention. This is when they escorted NCIS (b)(6), (b)(7)(C) from pool. The class continued the swim exercise. The students were eventually told to get out of [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) how much time had lapsed between the REDLINE being called and students being instructed to exit. [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was in his boat crew, but he did not see him struggle during the exercise.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) instructors have to resuscitate any students either in the pool or during [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) never seen an instructor resuscitate a student. He claimed during the REDLINE incidents students are told to look away. He was aware of one of his classmates who passed out during a knot tying exercise. During the exercise the student swims to the bottom of a 9ft pool and ties knows on an object. The student had tied two knots at the bottom of the pool, he was then asked to tie three knots. The student was successful in tying all three knots, but passed out under the water after the third knot. The student was brought to the surface where he regained [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) student who stated he was fine and never felt out of breath prior to [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) advised that at least four students have failed the training since it started.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 12MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)FURT, GERMANY

RESULTS OF RE-INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 12May16, Reporting Agent (RA) interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) 3942), regarding his knowledge of the events of 06May16. RA identified himself verbally and with a show of credentials. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) interviewed because he was in the same boat crew as V/LOVELACE. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) re-interviewed to seek amplifying information about the 06May16 training evolution and the manner in which it was conducted.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) training evolution of 06May16 as the "Combat Swim Tread." Students gather in the swimming pool in a tight formation known as a "beehive." During the training, students wore full Battle Dress Uniforms (BDUs), boots, and a dive mask. The dive mask was "charged," meaning it is full of water and obstructs the wearer's view. The students tread water as an instructor issued commands via a bullhorn. The instructions required the students to find all the members of their respective boat crews and move together to the designated area of the pool. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) are instructors also in the pool during the training. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was very little splashing of water by the instructors at the students. Similar training had been conducted before, but the 06May16 training evolution was the first time the training had been conducted in full BDUs. No students were restrained or bound at any time during the 06May16 training.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) any students, besides V/LOVELACE, have physical complications at any time during any training. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) he had not experienced any physical complications of his own at the pool. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) observations as they pertain to V/LOVELACE's physical complications in the pool on 06May16 are documented under a separate cover.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) surveillance style camera in the northwest corner of the pool area. He was not sure if the camera recorded. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) aware of any individuals video recording or taking pictures during the training.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) not spoken with the media about the NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C) and a civilian high school friend about the death of V/LOVELACE.

6. RA provided his contact information at the conclusion of the interview.

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REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 16MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

RESULTS OF INTERVIEW BY: NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 12May16, Reporting Agent (RA) interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) at Bldg# 604, Naval Special Warfare (NSW) training facility, Naval Amphibious Base, Coronado, CA. The purpose of the interview was to obtain details associated with the [illegible] on 06May16, which NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN (V/LOVELACE) died subsequent to participating in a Combat Training Tank (CTT) training evolution. At the time of his demise, V/LOVELACE was enrolled as a student candidate at the Basic Underwater Demolition/SEAL (BUD/S) training program.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) has been an instructor at the Naval Special Warfare Basic Training Center (NSWBTC) as an instructor for two years, participating in approximately eleven classes prior to this BUD/S class. On this particular [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) role consisted of being a Safety Officer (SO) and described his duties as standing outside the pool allowing him a slightly elevated observation point for the students inside the pool participating in the Combat Swimmer Orientation exercise. This training exercise originated with the students being divided into two large groups (approximately 105 students on that date), half of which were told to enter the CTT at the 15 foot depth area wearing their Underwater Demolition Team (UDT) shorts, covered by their camouflage utility pants and blouse, boots, no socks or undershirts, and dive masks. Once instructed, the students were supposed to organize into their assigned boat crews, comprised of approximately six to seven man boat crews while the instructors evaluate the students individual comfort level within the water. The students would eventually be instructed to remove their boots and uniform while treading water. The other half of the class were instructed to conduct callisthenic exercises outside the pool. The instructors would normally switch the two groups after a pre-designated period of time. [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) training evolution was scheduled to last approximately ninety minutes.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) training evolution was supposed to begin at 1300 on that date, however, he believed it did not actually start until approximately 1310 by the time the first group, including V/LOVELACE entered the water. [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) aware of anyone video recording this training evolution. As an instructor familiar with this training, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) observing students on many occasions in classes having difficulty during this training exercise because of the requirement of having water in their masks and conforming to the events they are instructed to complete. The normal procedure for students who appear to be giving up mentally or physically while engaged in this training evolution are

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identified by the SO, or the safety swimmer instructors located inside the pool with the students. If a student is deemed to be struggling, the safety swimmer instructors initially attempt to work with the students in the pool or assist them to the side of the pool where they are provided with further guidance and instruction by the SO. If the student is able to recover they continue training or they voluntarily Drop On Request (DOR), resulting in the student being terminated from BUD/S training.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) had worked with two other students prior to V/LOVELACE having difficulties during this exercise on this training date, but he was unable to recall their names. In previous [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) indicated he has been present or assisted with students who have been removed from the CTT for not listening to directions from instructors. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) has not previously viewed any student having to be resuscitated prior to V/LOVELACE, also stating a student is not normally returned to the pool exercise if they have been subjected to medical treatment beyond a simple medical assessment by the corpsman on scene. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) personal experience evaluating students who appear to be disoriented, incoherent, or confused involved applying simple stimulus such as slaps to the face. During this particular incident, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) indicated V/LOVELACE was assisted out of the pool and an oxygen mask was placed over his mouth and nose by the [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE's eyes open, responsive and appeared to repeat his name when asked. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE complain of pain or any injury at any time. Shortly [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) the Primary SO, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) call 911, at [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) attention on organizing the rest of the students by directing them out of the pool to a location away from where medical treatment was being administered to V/LOVELACE. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) had not previously witnessed any death of a student during CTT training. [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) of the time the students were involved in the CTT was approximately 20-25 minutes before V/LOVELACE was removed from the pool.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 16MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)/FRANKFURT, GERMANY

RESULTS OF RE-INTERVIEW OF SEAL INSTRUCTOR, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) CIV

1. On 12May16, Reporting Agent (RA) re-interviewed SEAL Instructor NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) CIV, to obtain further details of the Combat Swimmer Orientation incident concerning V/LOVELACE, USN, on 06May16. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was previously interviewed on 06MAY16 as he assisted with chest compressions in an effort to save V/LOVELACE's life. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he was in the pool as an instructor during the exercise. When asked to describe the sequence of events during the evolution he stated the students are in two sections. The sections contain sub sections called boat crews. One section conducts the calisthenics on the pool deck while the other group conducts the swim exercise inside the deep end of the pool.

2. The calisthenics include exercises such as flutter kicks, pushups and relay races in the shallow end of the pool (3.5 feet). The section conducting the swim exercise consists of students treading water in the deep end of pool with a charged mask (mask full of water). The students must stay in their boat crews while following commands given by instructors. According to NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b), an example of a command would be boat crew 7 move to the south end of the pool. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) states this is difficult because of the limited visibility and other students trying to move to their respective locations. At no time are students restrained during this during this exercise. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he has led and/or participated in the Combat Swimmer Orientation approximately six to seven times.

3. When asked if he had ever seen any students have difficulties during the exercise, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) replied yes. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated students often have trouble keeping water in the mask, finding their boat crew and staying above water. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) explained that he has seen these same difficulties in each of the six to seven times he has been involved in the Combat Swimmer Orientation. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) has seen students pass out during the exercise. He stated the some of the signs of complications are when students appear disillusioned, their eyes glazed over or lack of alertness. According to NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b), when a student is observed having complications the instructor who sees the complication calls out the "REDLINE" and the student is pulled aside and checked by medics. He advised that if a student is observed giving up physically or mentally the student is pulled out of the training exercise and counseled. The student is given a chance to remedy the incident after the counseling.

4. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated according to his knowledge this was the first time V/LOVELACE was involved in this type of exercise. During the 06May16,

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EXHIBIT (26)

exercise, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) heard the REDLINE being called but did not see what occurred with V/LOVELACE. He was unsure how long the students had been in the pool when the REDLINE was called.

5. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) has seen students lose consciousness and have medical issues. When the student is taken out of the pool, the medics assume the primary medical treatment. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated that instructors assist with the medical personnel on request. In the case of V/LOVELACE, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did assist with chest compressions. At no time did NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) see V/LOVELACE cough up any water.

6. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) has not had any student die while participating in the Combat Swimmer Orientation as an instructor. As a student in class 220, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated a classmate died during the exercise but he was unsure of the circumstances.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 17MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
V/A/O/I: [redacted], FRANKFURT, GERMANY

RESULTS OF RE-INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN

1. On 12May16, Reporting Agent (RA) re-interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN, Naval Special Warfare (NSW) Training Center, regarding this investigation at Naval Amphibious Base (NAB), building 604. Prior to the interview, RA identified himself both verbally and by show of credentials. As background, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) had previously been interviewed regarding this investigation on 06May16. During the previous interview, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) provided a sworn written statement that was documented under a separate cover.

2. During the interview, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he knew there were security cameras at the pool during the training evolution with class 319 on 06May16, but he had no knowledge of any additional video recordings. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported the name of the training evolution being conducted when V/LOVELACE had complications was Combat Swimmer Orientation (CSO). NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) described the stages of CSO as having the students start out of the pool with pants, blouse, and boots; no belt or undershirt; mask in hand. Students would enter the pool when instructors would call the month of their birth. Once in the pool, students would get into groups with their predesignated boat crews, put their masks on, and fill their masks with water. Students had to move together with their boat crews, switch sides of the pool, causing boat crews to cross past each other, and their masks must stay full the entire time. Students would be instructed to remove their masks, their boots, which would be held up above their heads, and continue to remove their blouse and their pants, leaving only them only with their under-shorts on. The students would be instructed to replace each of these items in reverse order. Once completed, the students would exit the pool. According to NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) this entire exercise would last no more than 15 minutes. Students from the pool would then switch places with other students that had been conducting physical exercises on the pool deck, such as leg kicks, while wearing dive masks full of water. Students from the pool would then conduct physical exercises on the deck while the other students would enter the pool and repeat the stages described above. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated 06May16 was the first time class 319 had conducted the CSO training evolution and the only way V/LOVELACE would have completed the exercise before would be if he had been a "rollback" from another class. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) defined a "rollback" as someone who did not finish a previous class for one of various reasons and was brought back to attend a later class. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) had no knowledge of V/LOVELACE being a "rollback" student.

3. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he had been an instructor at the NSW Training Center since MAR14, and in that time he estimated he had participated in the CSO

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EXHIBIT (27)

training evolution approximately six times. [redacted] reported there were students who physically struggled in CSO, including students other than V/LOVELACE on 06May16. According to [redacted] it was normal to have students pass out during CSO, but he reported no students had drowned during CSO in the time he had been an instructor at the NSW Training Center. [redacted] could not recall any student, other than V/LOVELACE, who had to have cardiopulmonary resuscitation (CPR) performed on them during CSO. [redacted] reported one student in a recent class had to be transported to the hospital, but he had no recollection of that student receiving CPR. [redacted] stated he had never witnessed the death of a student during pool training at the NSW Training Center.

4. [redacted] reported if a student is having difficulty, he will continue to give them direct instructions and will only place his hands on the student if there is a safety issue or concern. [redacted] was asked to explain why he only puts his hands on a student if there is a safety issue and to give an example of when he would put his hands on a student. [redacted] stated he did not put his hands on a student because if that student drowns, [redacted] did not want the student to blame him for their failure. [redacted] stated an example of when he would put his hands on a student would be if they appear to be drowning. If the student does not respond to his instruction, [redacted] hands that student off to a Chief Petty Officer (CPO) to assist or deal with the student. If a student appears to give up during training, the student will be given a time out from training where they will move off to a corner of the pool and a CPO will talk with them. [redacted] repeatedly stated he did not put his hands on V/LOVELACE until he had to pull his head above the water and pull him to the side of the pool. [redacted] denied ever dunking V/LOVELACE under the water. [redacted] stated it was common for one student to stand out for struggling in every class and there were other students struggling that day.

5. [redacted] stated he had not talked about the incidents surrounding V/LOVELACE's death on 06May16 with anyone in the media. [redacted] had talked to the Public Affairs Officer (PAO), first name [redacted] on 12May16. [redacted] reported he spoke to the PAO because his name had been given to a reporter for the Washington Post. [redacted] was upset that his name was being mentioned in the media and was also upset the media was reporting V/LOVELACE had drowned during "drown proofing". [redacted] wanted it to be known the training evolution being conducted on 06May16 was not drown proofing, the students' hands were never bound, their hands and feet were free for treading water. [redacted] did not know if anyone else had spoken to the media and stated he had directed the students to go to the PAO if anyone contacts them about V/LOVELACE.

6. [redacted] reported V/LOVELACE had not coughed up anything while he was in the pool on 06May16, but added the medics assisting V/LOVELACE on the pool deck had used a towel on V/LOVELACE. [redacted] recalled finding a substance on the towel he described as "gunk", but could not recall the color of the substance. [redacted] stated he threw the towel away that day.

7. No further pertinent information was obtained during this interview.

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REPORTED BY: NCIS (b)(6), (b)(7)(C), Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 13MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

RESULTS OF RE-INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN

1. On 12May16, Reporting Agent conducted a follow-up interview of NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN regarding the death of V/LOVELACE. As background, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was the assigned corpsman during the training evolution in question and previously provided a sworn statement on 06May16 documenting her efforts to revive V/LOVELACE.

2. The follow-up interview was conducted in a conference room located near the Naval Special Warfare Basic Training Center (NSW BTC) Quarterdeck in Building 604, Naval Amphibious Base Coronado, CA. RA introduced herself as a NCIS Special Agent verbally and by show of credentials.

3. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) advised she has been assigned to the NSW BTC for the past two years, but was assigned to Phase One of Basic Underwater Demolition/Sea Air Land (BUD/S) in Jan16. Prior to Jan16, she was assigned to Phase Two. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) advised this was about the third time she observed the Combat Swimmer Orientation training evolution. She was not familiar with the specifics of the training, but knew the basics of what the training involved. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported there were approximately 120 students in Class 319. The class was split in two for the aforementioned training evolution. Half the class conducted the treading water portion while the other half conducted calisthenics outside of the pool. All students were wearing a mask filled with pool water during the entire training evolution. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated the mask was similar to a snorkel mask in that it covered the eyes and nose. The students were also wearing their boots, BDU pants, and BDU blouse. Students in the water were required to tread in the water fully dressed and then remove their blouse, boots, and pants when instructed. Students were then required to get in line with their boat crew and call out in order. No restraints were used during Combat Swimmer Orientation. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) would walk along the edge of the pool observing the students in the water. She advised some instructors were swimming with the students and others were either on the pool edge or standing on the diving platform watching from above. Additional instructors were also with the other half of the class conducting calisthenics. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not know how many instructors were with each half of the class.

4. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated it was common for students to become lethargic and disoriented during training, including the Combat Swimmer Orientation. She would conduct a basic medical assessment of any students not appearing comfortable in the water. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) described signs of not appearing comfortable as not keeping up with the other students, panicking, and/or

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EXHIBIT (28)

observing their arms flopping. A basic medical evaluation involved assessing for any cognitive issues by asking common questions regarding person, place, and time. If needed she would administer stimuli, such as slapping the face and/or providing oxygen to the student, in order to re-orient them. She reported it was common for her to provide oxygen to students during the aforementioned training evolution. It was also common for students to respond immediately and become re-oriented and cognitive after the oxygen was administered. [redacted] never had to perform cardiopulmonary resuscitation (CPR) during any training at BUD/S prior to the incident with V/LOVELACE. She advised she was conducting a basic medical evaluation on two other students at the time the Red Line was called out on 06May16. [redacted] never noticed V/LOVELACE having difficulty or appearing uncomfortable in the water prior to that incident. She also never conducted a basic medical evaluation on V/LOVELACE during any other training.

5. [redacted] reported lifting V/LOVELACE's eyelids open after he was removed from the pool and noted he was looking at her and his pupils were tracking her. She advised V/LOVELACE never coughed up any water. The only water that came out of him was when she turned him on his side. [redacted] could not recall the color of the water, but advised it was not an alarming color, such as red. She reaffirmed V/LOVELACE was moaning when he was pulled out of the water and advised there was no gurgling. [redacted] stated in the time it took her to tell the instructors to call 911 and then look back down at V/LOVELACE to turn him on his back, V/LOVELACE's body became completely limp. She felt for a pulse, which was very weak, and noticed there was no rise and [redacted] of his chest. As a result, [redacted] initiated CPR immediately.

6. [redacted] was unaware of anyone ever recording the training evolution. [redacted] was uncertain if V/LOVELACE had completed a similar training prior to 06May16, but believed there was a water familiarization course during the prep course for BUD/S, known as Pre-Training. [redacted] was not familiar with how V/LOVELACE performed during that familiarization course or if he had any difficulties. [redacted] advised she had never witnessed the death of any other students during the Combat Swimmer Orientation training evolution. She was uncertain which half of the class V/LOVELACE was in, the first or second half, but advised the students were in the pool for approximately 15 to 20 minutes prior to the Red Line being called.

REPORTED BY: [redacted] Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 17MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

RESULTS OF INITIAL REVIEW OF VIDEO SURVEILLANCE FOOTAGE, NSW VIDEO SYSTEM SERVERS, AND VIDEO CAMERAS AT CTT

1. On 16MAY16, Reporting Agent (RA), Supervisory Special Agent (SSA) NCIS (b)(6), (b)(7)(C), SSA NCIS (b)(6), (b)(7)(C) Special Agent NCIS (b)(6), (b)(7)(C) Tech Specialist NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) Forensic Computer Specialist NCIS (b)(6), (b)(7)(C) and Regional Computer Forensics Laboratory (RCFL) Video Specialist NCIS (b)(6), (b)(7)(C) met with NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) CIV, Contractor, NCIS (b)(6), (b)(7)(C) and NCIS (b)(6), (b)(7)(C) CIV, owner Vector USA and 433 Associates, LLC, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) at NSA Naval Special Warfare Basic Training Center (NSW BTC) at NSW BTC to view the video surveillance system and servers which store the data from the video surveillance system. As background, since 06MAY16, NCIS (b)(6), (b)(7)(C) had made several attempts to retrieve the recorded footage of V/LOVELACE in the swimming pool on 06MAY16. Due to technical difficulties, these attempts were fruitless. However, after continuous efforts, the desired video was located and accessed from the virtual server. On 13MAY16, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) contacted RA to inform the video had been located and was available to be copied onto CD's for the investigation; however, it was also noted that of the four cameras located at the pool, the camera with the best and closest angle to where V/LOVELACE was, had a two minute and forty-five second gap right before V/LOVELACE was pulled from the swimming pool. Due to this discovery, NSW BTC requested NCIS assistance in accessing and retrieving the video footage.

2. The video was accessed by NCIS (b)(6), (b)(7)(C) and RA and NCIS (b)(6), (b)(7)(C) viewed the footage on a monitor at NSW BTC in a controlled access room (Building 613, room 131). It is noted that due to the video being streamed from the server, there were drastic lag times in the video and it often became still-framed while the video continued. The video was also pixelated and not of high resolution. After a short time, the video would resume from where it would have been had the video been streamed seamlessly, thus creating a jump-in-time effect to the viewer. Because of this lag-time effect, RA and NCIS (b)(6), (b)(7)(C) were unable to review the video in its entirety; but were able to identify timestamps of critical moments in the footage (when V/LOVELACE was pulled from the pool). NCIS (b)(6), (b)(7)(C) and the NCIS tech and cyber personnel discussed the technical issues with the basic server and the virtual server and it was determined that the virtual server would have the best chances of duplication and for downloading copies of the video for immediate viewing once the copies were obtained. NCIS (b)(6), (b)(7)(C) and the NCIS tech personnel assured RA that the video would be able to be viewed smoothly once on the DVD's.

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EXHIBIT (29)

3. The basic server was kept behind a secured vault door with a five button number lock within a controlled access office space. RA obtained the access sign-in list and the vault door access sheet. Enclosures (A) and (B) pertain. RA also photographed the vault door and the server. Enclosures (C) and (D) pertain.

4. The server was seized by NCIS and subsequently placed in the NCISFO San Diego, CA evidence facility under log number 286-16. RA, NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) went to the Combat Training Tank (CTT), which is the swimming pool where the BUD/S students train in order to review the video cameras in an attempt to see if they could be accessed or tampered with. Upon arrival to the CTT, it was noted that along the south end of the pool, there is a two story structure. There are four cameras mounted to the lowest point of the roof which are all pointed in different directions to cover the entirety of the pool and surrounding deck. RA photographed the cameras. Looking inside the building of the second deck to see how the cameras are connected, it was noted there were no exposed wires from the cameras visible and the ceiling was a drop ceiling tile style. When RA was photographing the camera that had the best vantage point to cover the west end of the CTT where V/LOVELACE was training on 06MAY16, the recording that had the alleged missing two minute and forty-five second footage, RA noted the ceiling tiles inside the building where the connectors for this camera would be were askew. NCIS (b)(6), (b)(7)(C) requested a ladder from one of the Navy members working inside the building. NCIS (b)(6), (b)(7)(C) able to climb the ladder, remove the ceiling tiles and take photographs of the camera connectors and wires. NCIS (b)(6), (b)(7)(C) placed the ceiling tiles and returned the ladder when finished. Photos of the pool cameras are appended as Enclosures (E) and (F). All NCIS personnel left the CTT shortly thereafter. Of note, while RA was at the CTT, two students Dropped on Request (DOR) or voluntarily dropped out of the training and one student was pulled from the water and assisted by the staff (rolled on his right side, sternum and torso rubbed by staff).

5. After leaving the CTT, RA, SA NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) returned to the BTC where it was learned the virtual server was in NSW Command, building 624, NAB Coronado, CA. At building 624, RA, SA NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) escorted the aforementioned to the room were numerous servers were kept, including the virtual server for the cameras. NCIS (b)(6), (b)(7)(C) was able to utilize a laptop computer to link into the server and pull up the video footage. NCIS (b)(6), (b)(7)(C) stated he could burn requested disks from this server on the laptop and have them ready for RA the following day. After consulting with NCIS (b)(6), (b)(7)(C) informed he could image the server onto the hard drive provided by NCIS (b)(6), (b)(7)(C) also have it ready for pick up the following day. On 17MAY16, the disks with requested video footage were picked up and placed into evidence under log number 287-16. Due to further technical issues, the hard drives with the image of the virtual server were completed on 18MAY16, and placed into evidence under log number 290-16.

ENCLOSURE(S)
(A) N6 Sign-In Sheet for Building 613, Room 131, NAB Coronado, CA/21APR16-16MAY16
(B) VAULT DOOR Security Container Check Sheet for N6 Room 131, Building 613, NSW BTC, NAB Coronado, CA/02MAY16-16MAY16

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(C) Three Template Photos of N6 Vault Door and Server/16MAY16
(D) CD Containing 20 Photos of N6 Vault Door and Server/16MAY16
(E) Seven Template Photos of Pool Cameras at CTT, NAB Coronado, CA/16MAY16
(F) CD Containing 35 Photos of CTT Pool Cameras/16MAY16

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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Pages 975 through 989 redacted for the following reasons:
- -
Enclosures (A - F) to Exhibit (29): Referred to Naval Special Warfare Command

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 17MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

REQUEST, RECEIPT, AND REVIEW OF V/LOVELACE'S NAVY MEDICAL RECORDS

1. On 17MAY16, Reporting Agent (RA) requested the medical and mental health records for V/LOVELACE from NCIS (b)(6), (b)(7)(C) CIV, Naval Medical Center, San Diego, CA. Enclosure (A) pertains. On 17MAY16, RA received an electronic copy of the medical records. Enclosure (B) pertains. Of note, there were no mental health records.

2. During the initial review of the medical records, RA noted the following information: On page five of the medical records, in a section called "PROBLEMS" subsection "active problems," it stated NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) This was reported on 30NOV15. Under medications, it was noted that V/LOVELACE had a history of taking NCIS (b)(6), (b)(7)(C) (generic NCIS (b)(6), (b)(7)(C) from OCT14-JUN15. This medication is used for NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) V/LOVELACE's Echocardiogram (EKG) performed on 16DEC15 provided the result as: NCIS (b)(6), (b)(7)(C) On page nine it was noted that NCIS (b)(6), (b)(7)(C) Page twelve indicated V/LOVELACE was categorized as having NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) had a surgery on NCIS (b)(6), (b)(7)(C) in 2014 and report of pain in NCIS (b)(6), (b)(7)(C) during his medical examination on 19APR16. On page fifteen of the report, it indicated that V/LOVELACE's heart was of normal size. On page eighteen, it was noted NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) previous text in the record on 09MAY16. The entry under this section was written in Greek characters and RA was unable to translate it at the time of this report. On page thirty-four of the record, it was noted that NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C)

ENCLOSURE(S)
(A) Request for Medical Records for V/LOVELACE/17MAY16
(B) V/LOVELACE's Medical Records/17MAY16

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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NCIS (b)(6), (b)(7)(C)

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EXHIBIT (30)

REQUEST FOR RELEASE OF PATIENT MEDICAL INFORMATION

1. The Naval Criminal Investigative Service is conducting an investigation involving the death of SN James Derek LOVELACE, USN. In order to conduct a thorough and comprehensive investigation into this matter, the undersigned is requesting disclosure of medical information related to SN James Derek LOVELACE, USN, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) 27MAY94. The following information is specifically requested:

-All of SN LOVELACE's Medical Records

-All mental health records for SN LOVELACE

2. As background, on 06MAY16, SN LOVELACE was pulled from the swimming pool during a training exercise and became unresponsive. 911 was called, Emergency Responders transported SN LOVELACE to Sharp Coronado Hospital where he was pronounced dead. Cause of death is unknown at this time, the medical and mental health records could assist with the investigation.

3. Pursuant to 45 CFR 164.512(f) and in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the medical records in question are believed to contain information that is relevant and material to a legitimate law enforcement inquiry; this request is specific and limited in scope to information pertinent to the investigation; and de-identified information could not reasonably be used.

4. I certify that the disclosure of this medical information is required as part of an official investigation. Should you have any questions regarding this request, please contact Special Agent NCIS (b)(6), (b)(7)(C) at NCIS (b)(6), (b)(7)(C)

NCIS (b)(6), (b)(7)(C)

ENCLOSURE (A)

Pages 992 through 1031 redacted for the following reasons:
- -
Enclosures (A - B) to Exhibit (30): Contact Naval Medical Center to obtain

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 26MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF INTERVIEW BY NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 19May16, Reporting Agent (RA) interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Naval Special Warfare (NSW) Naval Amphibious Base (NAB), Coronado, CA regarding his participation as an instructor during the Combat Swimmer Orientation (CSO) evolution on 06May16, in which V/LOVELACE experienced difficulties and later died. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was the class proctor and did not have a specific role poolside during the evolution.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was at the pool during the evolution he was at the pool near the diving platform in the 15 foot deep section to act as an extra safety observer. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) said prior to the start of the evolution, all the instructors received a briefing poolside about their roles that day, as well as detailed instruction for that specific evolution as outlined in the Lesson Training Guide. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) daily evolution standards are also posted at NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) briefing covered the training to include having the instructors creating an adverse environment, keeping the students within certain depths of the pool, splashing the students during the evolution in the water, and only going hands-on with a student to move them into the correct NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) explained that a "Redline" is a safety call used when a student is observed struggling in the pool and that student is removed from the pool before the situation could escalate into a potentially bigger safety issue.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not see any students being held or dunked under the water during this CSO evolution. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) students get pulled to the side of the pool for remediation for failure to follow instructions and return to the pool after the remediation. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) observed one student get pulled from the pool for safety reasons and that student sat out of the exercise for the remainder of the evolution.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not know who NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was until after the "Redline" was called and he saw V/LOVELACE being moved to the side of the NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) still next to the diving platform when V/LOVELACE was pulled from the pool. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE looked paler than NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE make grunting sounds in response to Corpsman NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

5. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) had not spoken to anyone in the media about the death of V/LOVELACE, nor had he spoken to any family or NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) suggested interviewing the Petty Officer in Charge (PIC) and Safety Observers for additional information pertaining to this investigation.

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EXHIBIT (31)

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 26MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 19May16, Reporting Agent (RA) interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b), Naval Special Warfare (NSW) Training Center, regarding this investigation at Naval Amphibious Base (NAB), building 604. Prior to the interview, RA identified himself both verbally and by show of credentials. As background, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated as having been at the Combat Training Tank (CTT) on 06May16 during the Combat Swimmer Orientation (CSO) training evolution.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he was the Officer In Charge (OIC) of CSO on 06May16. During the interview, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) explained his role during the CSO evolution was not as an instructor, rather he was there to watch the instructors. Additionally, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was there to observe the instructors during the training evolution to insure they were maintaining set levels of professionalism as well as their demeanor with the students, and their actions. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated what he considered typical behavior from the instructors during CSO would include splashing the students, yelling, and getting in the students' faces to create stress and high NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) instructors to swim among the students to make sure the students are keeping their heads above water, constantly swim under the surface to check the bottom of the pool for students, assure the students' masks are full of water, make sure the students are following instructions, look for students who are unable to perform, and look for students asking to quit the training. If an instructor is not performing these tasks or exhibits inappropriate behavior with a NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) that instructor aside to discuss the issue along with the instructor's Chief Petty Officer (CPO). NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated it is unacceptable for the instructors to hold or dunk a student underwater, nor did he witness any such actions by instructors on 06May16. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated if an instructor continued to exhibit prohibited behavior to students after it was addressed, he would pull that instructor from the pool for the remainder of the training NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated the only time an instructor will put their hands on a student in the pool is for a medical or safety issue, such as a NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) "medical pull" is when a student has to be pulled from the pool because they are physically unable to perform the training and/or for any medical issues for NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did have to speak to one instructor, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) and his CPO, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) on 06MAY16, for excessively splashing a student in the face. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he did not believe NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was involved with V/LOVELACE in the pool and is unaware of any NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) instructor with V/LOVELACE.

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EXHIBIT (32)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not know who V/LOVELACE was prior to the incident on 06May16. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) in the pool prior to V/LOVELACE being pulled out of the pool during a training evolution. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not observe other students in the pool having difficulties that day as he was paying more attention to the instructors, but did recall two or three students (NFI) getting pulled from the pool. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) student who vomited from exertion. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) the rest of the training evolution sitting against the fence with a couple of other students. That student was treated by USN. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) few minutes after the student vomited on his feet, he noticed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN pulling V/LOVELACE to the side of the pool. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not recall anything about V/LOVELACE's appearance standing out to him, but did recall V/LOVELACE was conscious when pulled from the pool. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE oxygen and executing stimulus techniques, such as sternum rubs and slapping. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE having his eyes open and mumbling a verbal response to people saying his name at first, but then his eyes rolled back. V/LOVELACE then went unconscious and he became unresponsive to more stimuli. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stopped breathing, cardiopulmonary resuscitation (CPR) was started and 911 was called. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) students were pulled out of the pool and mustered at the far end of the pool deck.

4. According to NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Federal Fire responded to the CTT slowly and initially without a gurney for V/LOVELACE. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) someone (NFI) handing him an Automated External Defibrillator (AED), but there was already one hooked up to V/LOVELACE. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported Federal Fire had difficulty operating the gurney and did not properly strap V/LOVELACE to it, causing either NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE to the gurney. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated a member of Federal Fire (NFI) had taken over CPR, but someone on the Training Center staff (NFI) determined the CPR being performed by Federal Fire was not being executed properly and took over CPR from Federal Fire. LT NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) the gurney with V/LOVELACE was placed in the back of the ambulance, Federal Fire personnel did not immediately transport V/LOVEACE to the hospital. According to NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) only one or two minutes passed before someone from Federal Fire (NFI) asked if they should take V/LOVELACE to Coronado Hospital or Naval Medical Center San Diego (NMCSD), prompting a Training Center Staff member (NFI) to yell, "Coronado, go!"

5. At the end of the NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recalled someone (NFI) commenting that NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) when pulling V/LOVELACE out of the pool, was "perfect".

6. No further pertinent information was obtained during this interview.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 24MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
M/A (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) KFURT, GERMANY

RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN

1. On 19May16, Reporting Agent (RA) interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN at Bldg# 604, Naval Special Warfare (NSW) training facility, Naval Amphibious Base (NAB), Coronado, CA. The purpose of the interview was to obtain details associated with the [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN (V/LOVELACE), died subsequent to participating in a Combat Training Tank (CTT) training evolution. At the time of his demise, V/LOVELACE was enrolled as a student candidate at the Basic Underwater Demolition/SEAL (BUD/S) training program.

2. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) indicated his role was as an instructor Under Instruction (UI) standing on the tallest diving platform located at the NAB Pool. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) described the UI position as learning how to become a qualified CTT instructor for the combat tread evolution, which was supposed to last approximately forty-five minutes before the initial group in the pool (including V/LOVELACE) switched positions with the group outside the pool engaging in callisthenic exercises. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) indicated NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN, was the Petty Officer in Charge (PIC) standing next to him and the lead instructor carrying a bullhorn on the dive platform issuing orders to the candidates below them in the water. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) verified having a clear line of sight of all students inside the pool.

3. According to NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) once the students entered the pool, the instructors were tasked with creating an adverse environment consisting of the students "charging" (fill with water) their masks and the students tend to create their own chaotic situation simply by being in close proximity to each other. Instructors swim around the students inside the pool as safety swimmers as Instructor Safety Officers (SO), normally E-7 and above are located outside the pool as well also observing the training evolution transpire. According to NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) any of the instructors can call a "Redline" (safety call) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) gave an example of this as a student who is struggling badly and unable to keep his head above water. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) claimed to have never seen an instructor dunk or hold a student underwater stating it is not part of the training evolution. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) indicated he did not know who V/LOVELACE was on the day this incident occurred, instead only learned more about him afterward and as a result of this incident.

4. When asked if he observed any of the students having trouble in the water, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) advised RA lots of students have trouble, but he could not recall any students having trouble by name on that particular date. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) went on to say he observed V/LOVELACE inside the pool once the students were

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EXHIBIT (33)

ordered to remove the masks from their faces and noticed V/LOVELACE's face was whitish/blue and having trouble staying afloat. [redacted] claimed to have immediately informed [redacted] of his observation and [redacted] notified one of the instructor safety swimmers, [redacted] who observed swam to V/LOVELACE. [redacted] next turned his attention to other students in the pool as he knew V/LOVELACE would receive one on one attention by [redacted] who would also be responsible for determining if V/LOVELACE would continue training or potentially turned over to one of the two Safety Officers (SO) located on the outside of the pool.

5. [redacted] indicated not observing any of the students having to leave the pool for medical attention and then returning to the pool on this date. When asked if he observed any of the instructor safety swimmers following, pursuing, or engaging any particular students, [redacted] indicated if an instructor is pursuing a student it would be because of the student having some form of difficulty or not following instruction. [redacted] went on to say once the Redline was called, [redacted] observed V/LOVELACE being pulled from the water in a position down and to his left of the diving platform. The interview with [redacted] was terminated a short time later.

REPORTED BY: [redacted] Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 24MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
[redacted], FRANKFURT, GERMANY

RESULTS OF INTERVIEW OF [redacted]

1. On 19May16, Reporting Agent (RA) interviewed [redacted] at Bldg# 604, Naval Special Warfare (NSW) training facility, Naval Amphibious Base (NAB), Coronado, CA. The purpose of the interview was to obtain details associated with the 06May16, wherein SN James LOVELACE, USN (V/LOVELACE), died subsequent to participating in a Combat Training Tank (CTT) training evolution. At the time of his demise, V/LOVELACE was enrolled as a student candidate at the Basic Underwater Demolition/Seal (BUD/S) training program.

[redacted] role as an instructor during the combat tread exercise consisted of being with the half of the student class not initially directed inside the pool. His assigned students were ordered to "charge" (fill with water) their masks and initiate callisthenic exercises outside the pool, therefore his attention was not focused on the pool evolution, rather on the students he was assigned.

3. When asked to describe a "Redline" [redacted] a student would start to show signs of confusion, moving slowly, or trouble staying afloat, any instructor could call a "Redline". [redacted] seeing V/LOVELACE during training, but he did not have any identifying measures or specifics related to V/LOVELACE to provide to RA with at the time of the interview. [redacted] observing V/LOVELACE during the pool evolution on 06May16, and went on to say he believed the pool evolution was supposed to last approximately forty-five minutes before the two groups were supposed to switch their locations and engage in another forty-five minutes of the opposite training from what they were previously assigned to do.

[redacted] indicated he initially did not hear the "Redline" being called pertaining to V/LOVELACE because of his location on the pool deck, opposite side of where V/LOVELACE was located inside the pool. He went on to say he believed the "Redline" was called approximately 10-15 minutes after the students initially got into the pool because shortly thereafter, the students inside the pool were directed to get out and form up with his students on the opposite end of the pool where he was located. The students were directed to face away from where V/LOVELACE was being medically attended to and ordered to stay in the location and position and to await further instruction. [redacted] on the phone with 911 [redacted] phone and directed to stay on the line with the 911 dispatcher until the

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EXHIBIT (34)

emergency medical services (EMS) personnel. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) information related to this incident, the interview was terminated a short time later.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 26MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 19May16, Reporting Agent (RA) interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Naval Special Warfare (NSW) Naval Amphibious Base (NAB), Coronado, CA regarding his participation as an instructor during the Combat Swimmer Orientation (CSO) evolution on 06May16, in which V/LOVELACE experienced difficulties and NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) in the pool as a safety swimmer during the evolution.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) the evolution he was in the pool in the 15 foot deep section to act as a safety swimmer and NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) the start of the evolution, the Petty Officer in Charge (PIC) gave all the instructors a poolside briefing about their roles that day, as well as instructions for that specific NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) ing covered the training to include having the instructors create an adverse environment, create chaos in the pool, keep the students within certain depths of the pool, splashing and yelling at the students during the evolution in the water, and only going hands-on with a student for safety NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) a "Redline" is a safety call to alert all the instructors and corpsman that medical attention is needed for a student. IS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) when a "Redline" was called was to swim the student to the side of the pool and get them to the proper person for medical attention, then he would return back to the evolution unless it was an extreme medical situation.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) not see any students being held or dunked under the water during this CSO NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) ent hands-on with a student for safety assistance or to move them back into the deep end of the pool if they were dri NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) one student get pulled from the pool for safe NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) can also call a "Training Time Out" (TTO) if they observe unsafe behaviors or conditions.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not know V/LOVELACE very well since there were 160 students initially enrolled in the training NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) E did not stand out among the students because he was not a problem, nor was he a standout, so V/LOVELACE did not receive extra attention during training. IS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) d V/LOVELACE initially when he instructed V/LOVELACE to keep his head a NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) ater with V/LOVELACE in the pool close to NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) HSN. On the north side of the pool NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was on the south side of the pool.

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EXHIBIT (35)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he had not spoken to anyone in the media about the death of V/LOVELACE, nor had he spoken very much about the incident to any family NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was probably a former student that quit NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) of his on a different SEAL team said a former Basic Underwater Demolition/SEAL (BUD/S) student in the same class as V/LOVELACE NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) an unknown bar in Kentucky telling people at the bar details about the death of V/LOVELACE. IS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) that instructors held V/LOVELACE underwater.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 23MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)/FRANKFURT, GERMANY

RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN

1. On 19May16, Reporting Agent (RA) interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN, regarding his knowledge of the death of V/LOVELACE. As background, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was an instructor at the Naval Special Warfare Basic Training Center (NSW BTC) and was present during the Combat Swimming Orientation training evolution on 06May16 where V/LOVELACE went unconscious. The interview was conducted in a conference room located at NSW BTC aboard Naval Amphibious Base (NAB) Coronado, CA. At the initiation of the interview, RA identified herself as a NCIS Special Agent verbally and by show of credentials.

2. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported he was the instructor in charge of the training evolution in question. He had been the instructor for the same training approximately six or seven times previously and his duties included maintaining a timeline, manpower, and other logistical considerations. The training was conducted once for every Basic Underwater Demolition/SEAL (BUD/S) class. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated the training required the replication of an adverse environment, which he further described as a simulation of hectic waters. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported students wear their pants, blouse, boots, and a mask filled with water while swimming around in their boat crews or treading water. Instructors yell, splash, and shove the water with their arms or flotation device in order to simulate the hectic waters. He reported students were not dunked, or held under water, during this training evolution. Students remain in the 15 foot deep section of the pool with instructors positioned in the water to prevent students from moving out of the designated area and keep them out from underneath the dive tower. Other instructors swam amongst the students, or were outside of the water monitoring from the pool edge looking for students who were uncomfortable in the water and to keep students from cheating. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) advised signs of a student being uncomfortable in the water were those not attempting to remove their garments as instructed and/or moving their hands and arms more rapidly than necessary. Cheating was described as not keeping their masks full of water or going underwater to relax instead of continuing to tread water. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported the evolution was designed to be chaotic for students and it was common for students to pull/push down others while trying to stay above water. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported the only reason for an instructor to put hands on a student was for safety issues.

3. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated a "redline" was called when a student was sinking/going unconscious, or "not responding." He further explained "not responding" to be the student's eyes closing or having a blank stare. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) advised the

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EXHIBIT (36)

training would be stopped if two redline calls were received, or if one redline was too serious and took the attention of multiple instructors. [redacted] explained instructors in the water would address students which appeared to be struggling or not performing for only a short period of time. Instructors were to maintain the hectic environment while assessing the student, so they would continue to yell and/or splash the student while conducting the assessment. If the issue continued, or the assessment took longer than five minutes, the student would be turned over to a Safety Officer or sent out of the pool for a medical evaluation. This allowed the instructor to continue observing the other students. [redacted] advised a Safety Officer was an E-7 and above and would be out of the water observing from the edge of the pool. They would talk to the student calmly to identify the cause of the problem and see if it was a performance issue or a medical evaluation was necessary. If nothing was medically wrong the student was required to continue the training. If the issue continued, then the student would be pulled from the training. [redacted] stated several students struggle with this training evolution and redline calls were common. He recalled redline being called for Class 318 that required additional medical attention, but the student was fine afterward. [redacted] stated it was typical for approximately three to four students to drop on request (DOR) during this training. He was unaware of any student requiring cardiopulmonary resuscitation (CPR) before.

4. [redacted] was located at the top of the dive tower along with SO1 William [redacted] USN where he was able to oversee the entire group of students in the water to ensure the training was running smoothly. He advised [redacted] was the newest High Risk Instructor and was learning from [redacted] being in charge of the training evolution for him. [redacted] advised his active duty term was concluding and he was separating from the military. [redacted] added all NSW BTC Instructors were High Risk Instructors, but [redacted] never been an instructor for that training before, so was completing field training. [redacted] reported had a bull horn which he used to give the students instructions, such as directing boat crews to move to a different side of a pool or to remove a specific garment. [redacted] stated boat crews remained in a line facing him when the time came to remove garments and the masks filled with water were removed. [redacted] stated there were a total of seven instructors during the training on 06May16, but the training only required five. He advised the additional instructors were due to the larger class size of Class 319 and other recent classes. He recalled three Security Officers being present during the evolution.

5. [redacted] advised [redacted] noticed V/LOVELACE having difficulties and pointed him out to obtain [redacted] attention. [redacted] stated he observed V/LOVELACE bobbing his head in and out of the water and his arms moving faster than should be needed. [redacted] did not know V/LOVELACE, so he called out to the nearest instructor to V/LOVELACE, SO1 Charles [redacted] USN, by name and directed him to V/LOVELACE based of V/LOVELACE's position in the pool. Once [redacted] was attending to V/LOVELACE, [redacted] resumed his attention to the rest of the students and proceeded with the training evolution. [redacted] did not notice any discoloration in V/LOVELACE's face and did not observe anything uncommon about V/LOVELACE's response to the training. He reported hearing redline called during the section of the training where the students were required to remove their pants, approximately 20 to 25 minutes into the training evolution. He advised the students had already removed their boots.

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observed [redacted] swimming a student to the edge of the pool when redline was called and less than 10 seconds later V/LOVELACE was out of the pool. [redacted] did not know who the student was who redlined, but assumed it was the same student he directed [redacted] earlier. [redacted] continued with the training while waiting to hear from a Safety Officer if the training needed to be stopped. Once he heard the training needed to be stopped, he immediately instructed everyone to get out of the pool.

6. [redacted] reported he did not see anything crazy or unusual from any of the instructors during the training evolution. He did not notice if one particular student was being targeted by an instructor. He did not see any instructors dunking, or holding, students under water. [redacted] reported observing approximately three or four students having issues during the training. He clarified by issues he meant the students were "not messing with their boots," which was a sign that they were not comfortable in the water. [redacted] believed he saw [redacted] USN-1 and another student after V/LOVELACE, but did not know who the student was.

7. [redacted] stated two students DOR'd during the aforementioned training evolution on 06May16, but did not know their names. He advised an additional redline was called prior to the incident with V/LOVELACE, but could not recall that student's name as well. The other student who redlined was removed from the water, but was fine. He believed that student vomited upon getting out of the pool and did not go back in the water afterward. [redacted] reported in that situation, the incident would get noted in the student's record, but he would still move forward in the program.

8. [redacted] described the instructors as either even keel or "more quiet." He did not feel any of the instructors were "crazy cowboys," and wished some of them were more vocal, or louder. [redacted] suggested NCIS observe the next iteration of the Combat Swimming Orientation training in order to get a better understanding of the training. He additionally suggested interviewing students in SEAL Qualification Training (SQT), the training which succeeds BUD/S, or other Special Warfare Operators as they would have a better understanding of why BUD/S training was conducted in the manner it is vice a student who chose to DOR and did not receive the more difficult training. [redacted] stated instructors were provided full biographies on BUD/S students. The biographies include the student's education and why they want to be a SEAL. He advised prior to students arriving at BUD/S, they attend a preparation training which involved treading water while holding a brick, and an orientation course, which he believed included treading water and basic water survival. [redacted] did not know how V/LOVELACE performed during those training evolutions and was unfamiliar if evaluations for those trainings were provided to BUD/S instructors.

9. [redacted] stated the training to be an instructor was three weeks long. It focused primarily around public speaking, but also covered safety, such as things to look for; curriculum; and the "right and wrong" of what to do. Then there was field training, a psychological evaluation, operational risk management, and CPR training.

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REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 24MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FURT, GERMANY

RECEIPT OF BUDS ORIENTATION AND SELECTION EVOLUTION BRIEF SHEET AQUATIC SKILLS COMBAT SWIMMER ORIENTATION

1. On 19MAY16 NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) SCW, CDGC, SJA, NSW BTC, provided NCIS with the Basic Underwater Demolition/SEAL (BUD/S) and Selection Evolution Brief Sheet 1.6-4 Aquatic Skills Combat Swimmer Orientation instruction. The four page document outlines the entire iteration of the evolution to include equipment needed, safety precautions, description of the two stations (instructions for the students), and grading criteria. Enclosure (A) pertains.

ENCLOSURE(S)
(A) BUDS ORIENTATION EVOLUTION BRIEF SHEET AQUATIC SKILLS COMBAT SWIMMER ORIENTATION/MAR16

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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EXHIBIT (37)

Pages 1047 through 1050 redacted for the following reasons:
- -
Enclosure (A) to Exhibit (47): Referred to Naval Special Warfare Command

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 24MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF INTERVIEW BY NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 20MAY16, Reporting Agent (RA) interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN BTC regarding his participation as an instructor during the Combat Swimmer Orientation (CSO) evolution on 06MAY16 in which V/LOVELACE experienced difficulties and later drowned. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) role during the COS evolution was to observe and learn how the course was run as he would eventually lead the evolution. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was the first time he observed the evolution and the only other time he had experience with it was when he went through Basic Underwater Demolition/SEAL training (BUD/S) years ago.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated the instructors in the water were there for safety, to make sure if a student is in trouble they can assist and get the student medical treatment. The swimming instructors also take cues from the safety observers out of the pool, they make sure the students keep their masks charged (filled with water), and help keep up an adverse environment as NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) described the "adverse environment" as splashing and NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) "Redline" or safety call is called when a student is in danger. He further explained this meant if a student cannot stay in the water anymore, the student is to be pulled to the side of the pool and oxygen is administered. The instructors are to make sure a student is not at risk of drowning. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) there were three "Redlines" called on 06MAY16. The first one was pulled out of the water and coughed but NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recall if the student coughed up any water, the second student was pulled out and vomited his lunch, and the third was V/LOVELACE.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not see any students being held or dunked under the water during this CSO evolution and he did not believe it was common though he added it was his first time observing the evolution but dunking or holding students underwater was "not in the curriculum that I'm aware of." NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) observed people "working" in the pool from his vantage point, which was on one of the pool diving platforms, though he noted he walked off of it a few times to "take it all in" from different vantage points. He added he noticed students not keeping their masks charged but stated overall he saw competency in the NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) disclosed however, "At the time, I didn't know what I was looking for."

4. When NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) he did not know who V/LOVELACE was until after he was pulled from the pool, though he did see him after the

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EXHIBIT (38)

Master Chief pointed out V/LOVELACE having trouble in the pool. He recalled V/LOVELACE was on the far east end of the pool and had bluish discoloration around his [illegible] him out and that V/LOVELACE still had his mask on his face. He was unable to recall how long into the evolution it was at this time but recounted the other two Redlines had already been called for the other students. SOC [illegible] instruction from the PIC (Petty Office in Charge) [illegible] and was swimming toward V/LOVELACE. [illegible] go to V/LOVELACE and assessed him as OK. He did not recall [illegible] assessed V/LOVELACE was fine and ceased paying attention to V/LOVELACE because he thought he was taken care of by the presence of [illegible] informed he began watching everything and noted the students had to go to their boat crews per instruction. This [illegible] V/LOVELACE for the second time as while swimming to his b[illegible] V/LOVELACE was "working hard," but [illegible] face to face or by V/LOVELACE [illegible] may if V/LOVELACE tried [illegible] grab V/LOVELACE twice [illegible] V/LOVELACE once to get him to respond.

[illegible] himself at the time he felt V/LOVELACE seemed ok and was going to be able to finish the evolution. [illegible] grabbed V/LOVELACE by the shirt and called [illegible] recalled V/LOVELACE started to go under the water, because of the press (the mass group of students swimming in a close cluster) [illegible] felt V/LOVELACE would make it because he was still moving and treading [illegible] to tow him to the edge. While [illegible] seeing V/LOVELACE's head and torso above the water and his torso moving up and down as if breathing hard. Once out of [illegible] hearing V/LOVELACE breathing hard and wheezing. He expounded V/LOVELACE was given oxygen via a mask and could hear him mumbling while the Corpsmen and others were rubbing him and working [illegible] thought V/LOVELACE seemed coherent and responsive and was going to be fine. [illegible] recalled seeing V/LOVELACE's blue eyes as they were [illegible] an unknown time after [illegible] say to [illegible] believed he was on the diving platform when V/LOVELACE was pulled from the water and the staff began working on him. He later added V/LOVELACE was immediately pulled from the water after the redline was [illegible] diagram of the pool and indicated where he was and where he noticed [illegible] in the water. He dated and initialed this diagram. Enclosure (A) pertains.

6. When asked, [illegible] did not believe the two previous redline students were returned to the water and to his knowledge, if a student is redlined out of the pool, they cannot be put back in until they are cleared by [illegible] recall seeing any students' whose faces were discolored other than V/LOVELACE's [illegible] did not notice any instructors being more aggressive with the students in the pool that day but [illegible] (Petty Officer in Charge) to reduce his splashing during the debrief of the CSO on [illegible] was not present for

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this debrief but was told of this a few days later by NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
was present for the debrief of V/LOVELACE on 06MAY16.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not see any instructors bumping students in the water and did not register any excessive touching. He declared he did not see any instructor grabbing or pulling any students down into the water. He went on to say he did see some students in the press inadvertently pull other students down, but it is because they are so close to one another; it is unintentional.

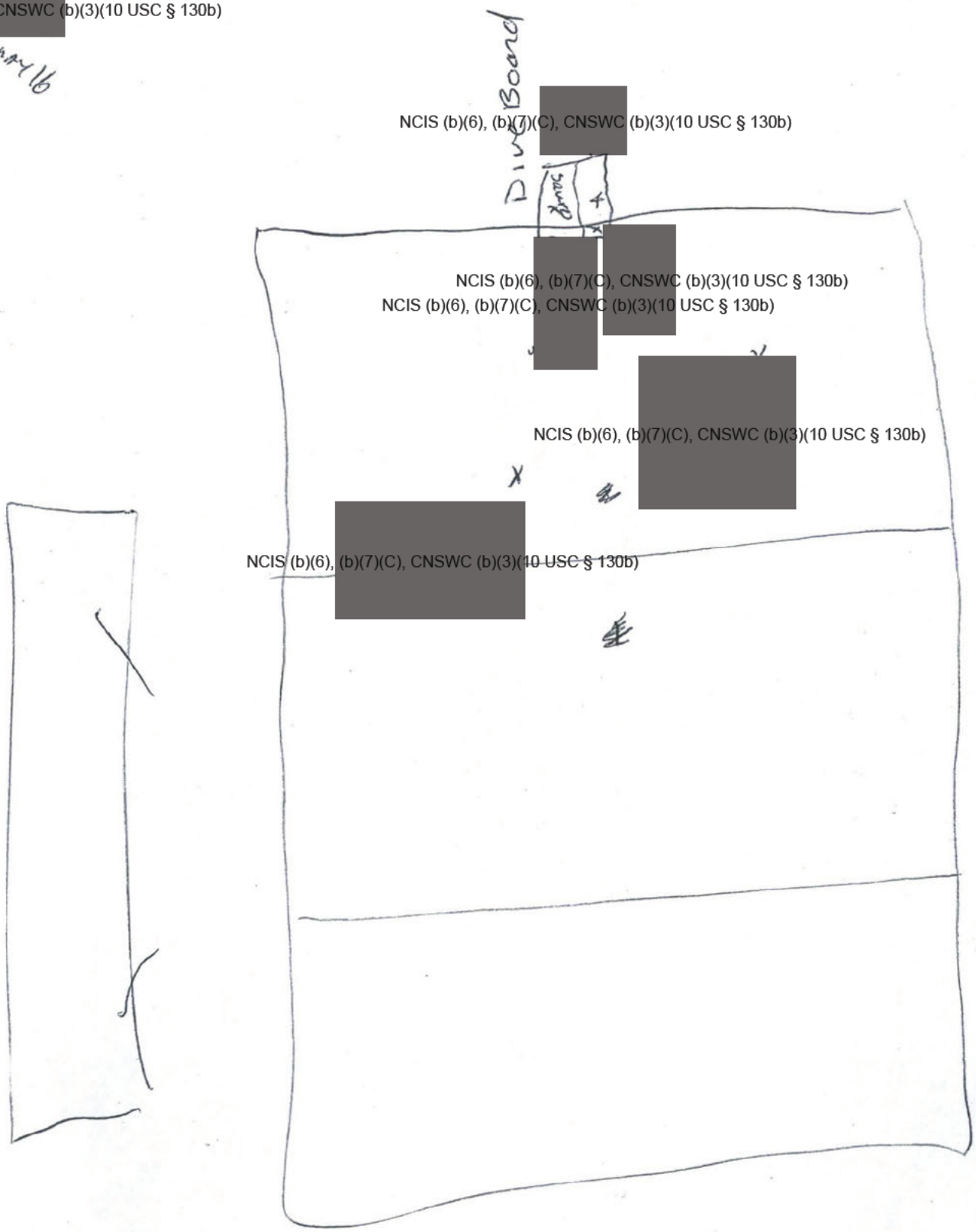
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he has not spoken to anyone in the media about the death of V/LOVELACE and has only spoken to his wife about it. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) suggested reviewing the brief presentation and the video recordings from the Combat Training Tank pool.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) after V/LOVELACE was taken to the hospital and he returned to NSWG-3 HQ, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) had all the instructors write notes on what they saw between 1400 - 1500 (estimate) to help them remember what happened when eventually asked. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) provided a copy of these notes to RA. Enclosure (B) pertains. He added he went to V/LOVELACE's barracks room and sealed his wall locker with metal band weapon seals and assisted other instructors with trying to keep the other students busy. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was in a meeting with the instructors when NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Officer, NSWG-3 HQ, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was not in a meeting with NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) who voiced his opinion in the value of this particular training as he recently used the skills learned from it to save his life during a recent mission when he fell out of his boat in rough ocean waters.

ENCLOSURE(S)
(A) Diagram of Combat Training Tank pool, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
(B) Notes by NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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ENCLOSURE (A)

enclosure (A-)

Page 1055 redacted for the following reason:
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Enclosure (B) to Exhibit (38): Referred to Naval Special Warfare Command

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 26MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

RESULTS OF INTERVIEW BY: NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 20May16, Reporting Agent (RA) interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b), Naval Special Warfare (NSW) Naval Amphibious Base (NAB), Coronado, CA regarding his participation as an instructor during the Combat Swimmer Orientation (CSO) evolution on 06May16, in which V/LOVELACE experienced difficulties and later died. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was in the pool as a safety swimmer during the evolution.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated during the evolution he was in the pool in the 15 foot deep section to act as a safety. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) instructors were briefed on the training that day, with emphasis on safety and creating an adverse environment. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) described an adverse environment as giving the students multiple instructions to move around the pool, make sure their masks are charged with water, keeping their heads above water at all times, and to ensure the students follow all instructions. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) explained what a "Redline" is called during the early onset of a student struggling in the pool, indicated by gasping for air, confusion, and losing consciousness. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) called a "Redline" earlier that day for a struggling student who could not keep his head above water. According to NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) grabbed the student, put his head above water, called "Redline," and then swam the student to the pool edge for medical attention.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not see any students being held or dunked under the water during this CSO evolution. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) instructors will only follow a student for safety assistance or failing to follow instructions, at which point the student will be handed off to the "Chief" for remediation. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) observed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) struggling in the pool that day and kept an eye on him, but did not remove him from training.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) said he did not know V/LOVELACE and missed hearing the "Redline" call because he had put his head underwater to scan for anyone below the surface of NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) noticed V/LOVELACE [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) swam V/LOVELACE to the side of the pool. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) moved V/LOVELACE to the side of the pool, held V/LOVELACE on his side to ensure his lungs were clear, and when he called V/LOVELACE's name, "[illegible]" NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) came to."

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) said he had not spoken to anyone in the media about the death of V/LOVELACE and had only spoken to his wife NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) suggested reviewing the autopsy for any pre-existing conditions and investigate if V/LOVELACE took supplements, even though they are not authorized for

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EXHIBIT (39)

students during the Basic Orientation phase of training.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 20MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 20May16, Reporting Agent (RA) interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) (SSN: 4874), regarding his knowledge of the death of V/LOVELACE on 06May16. As background, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) of the Basic Underwater Demolition/SEAL (BUDS) instructor cadre and was present in the pool area when NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was removed from the water during a treading exercise. RA identified himself verbally and with a show of credentials.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was performing the function of "Safety Observer" on 06May16. This function required the instructor to walk around the pool deck and observe all students in the water to make sure they are following instructions and not unnecessarily harming them. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was the primary Safety Observer with NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) being the primary. According to NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b), instructors who are in the water must create an "adverse environment" for the students. This is typically done through splashing water on the students and yelling instructions at them. However, at one point in the evolution, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) observed the instructor splashing the students too much and asked him to reduce his splashing by about "fifty percent." NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) identified the instructor as Aaron NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated the goal of the treading exercise was for the students to keep their heads above water at all times. Students occasionally dunk each other by accident due to their close proximity, but instructors do not intentionally dunk students. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not personally observe anyone go under water at any time during this evolution. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) knew who V/LOVELACE was and did not notice him in the pool during the training evolution.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) had two students having difficulty in the pool on 06May16. Prior to V/LOVELACE being pulled out of the water, one student was removed from the pool and given oxygen. A "redline" was called for the student, and he remained out of the water for the remainder of the training day. Another student was also removed from the water for vomiting, and he also spent the remainder of the day out of the water. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recalled all the names of the two students. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) defined a redline as a verbal call which draws attention to safety issue. Redlines are primarily called when a person has become unconscious. Besides the aforementioned students, two other students quit the training evolution. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not recall any students being pursued in the water by an instructor.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not recall V/LOVELACE's face appearing discolored or purple.

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EXHIBIT (40)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL:06MAY16-SWND-0303-7HNA **20MAY16**

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C)

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 20MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF INTERVIEW: NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 20May16, Reporting Agent (RA) interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) regarding his knowledge of the death of V/LOVELACE on 06May16. As NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) of the Basic Underwater Demolition/SEAL (BUDS) instructor cadre and was present in the pool area when V/LOVELACE was removed from the water during a treading exercise. RA identified himself verbally and with a show of credentials.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) performing the function of "Safety Observer" on 06May16. This function required the instructor to walk around the pool deck and observe all students in the water to make sure they are following instructions and not under duress. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was the primary Safety Observer, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) being the secondary. Instructors in the water try to create a chaotic environment for the students, but are limited to yelling and splashing. Instructors are not allowed to dunk students under the surface of the water or strike them in any fashion.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) who V/LOVELACE was prior to the NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) not observe V/LOVELACE in the pool until the "redline" NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) explained a redline is a verbal call to be used when a student is under duress and needs assistance. Anyone, including a student, can call a redline when they observe someone needing help. Approximately ten to fifteen minutes prior to V/LOVELACE being removed from the pool, two other students were pulled out for redlines. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) has no amplifying information about these students.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) any of the events in the pool prior to V/LOVELACE being removed because he was busy counseling students who were trying to quit. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) emergency services via 911 after V/LOVELACE was brought out of the pool. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) phone with the dispatcher until the first responders NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE's face as appearing discolored and purple when the first responders NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) believed the time between the redline call and the moment V/LOVELACE was removed from the pool was extremely quick and could be measured in seconds.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) had not discussed the incident with NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) also reported he had not discussed V/LOVELACE's death with any family members or friends.

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EXHIBIT (41)

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 26MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

RESULTS OF INTERVIEW BY NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 20May16, Reporting Agent (RA) interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN, Naval Special Warfare (NSW) Training Center, regarding this investigation at Naval Amphibious Base (NAB), building 613. Prior to the interview, RA identified himself both verbally and by show of credentials. As NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated as having been at the Combat Training Tank (CTT) on 06May16 during the Combat Swimmer Orientation (CSO) training evolution.

2. During the [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) posted on the short diving tower at the CTT on 06May16, observing the training evolution. According to CIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) instructors in the water were expected to perform as safety observers and create an adverse environment for the students. Instructors in the water created an adverse environment by splashing the students, using their flotation devices to create waves, and yelling at the students. Instructors in the pool were expected to go one-on-one with any student who was not responding to commands or performing well enough for the training evolution. The training staff on the deck of the pool were expected to perform as safety observers, talk to students that are pulled from training, and provide medical assistance when [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) "redline" event as any medical issues and anything that an instructor felt could result in a possible [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was not a common practice for instructors to hold or dunk a student underwater during the CSO training.

3. During the interview NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) he did not know V/LOVELACE prior to NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) all of the students throughout the training, but there were approximately 176 students that had originally entered the NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) only students that would stand out to him would be the ones who were extremely poor and the ones who were extremely good, and V/LOVELACE was [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) noticed V/LOVELACE in the pool on 06May16 prior to him being pulled out during the "redline". This occurred when the Petty Officer In Charge (PIC), stationed on the high dive tower, pointed V/LOVELACE because he was not with his boat crew. According NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) the PIC directed the nearest instructor in the [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) to V/LOVELACE mainly by pointing him out and using hand signals [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) the performance issues that caused the PIC to notice V/LOVELACE. According [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was directed to V/LOVELACE [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) followed him around the pool, giving him one-on-one attention [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) attention to the rest of the students in the pool. [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) considered whatever issued

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EXHIBIT (42)

had caused V/LOVELACE to be singled out as solved because an instructor was addressing him. [redacted] spent with V/LOVELACE one-on-one, following him around the pool, was not unusual, and he would periodically look back to see if [redacted] was guiding V/LOVELACE. [redacted] recalled noticing V/LOVELACE appeared to have some discoloration in his face while in the pool, but could not say if it was prior to or after the "redline" was called.

[redacted] recalled when V/LOVELACE was out of the pool, after the "redline" was called, his eyes were opening and closing, and he did not have his boots or mask. According to [redacted] rolled onto his side, allowing him and other Training Center staff members to see V/LOVELACE's name on his [redacted] began talking to V/LOVELACE, saying his name. [redacted] V/LOVELACE definitely responded to people saying his name, though the response was mumbled. After the USN Corpsman requested someone call 911, the other students were pulled from the pool and mustered at the far end of the pool deck against the fence. [redacted] directed the members of Federal Fire responding to the 911 call to V/LOVLACE's location and opined they seemed to be "taking their time." [redacted] Federal Fire (NFI) took over cardiopulmonary resuscitation (CPR) and the chest compressions were not to the proper depth, so a member of the Training Center staff took over CPR [redacted] the back of the ambulance to the hospital with V/LOVELACE.

[redacted] two other students had been pulled out of the pool during the CSO training evolution, but he did not witness what caused them to be [redacted] of those students had vomited food and water, most likely from ingesting pool water, while the other was sitting by the fence around the pool deck and appeared [redacted] did not know of any students being pulled from the pool to receive medical attention and return to the pool afterwards. [redacted] not be unusual for the training evolution to continue after a medical incident was cleared at the CTT.

6. No other pertinent information was obtained during the interview.

REPORTED BY: [redacted] Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 26MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
W/M/[redacted]/[redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FURT, GERMANY

RESULTS OF INTERVIEW OF: NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 20May16, Reporting Agent (RA) interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Special Warfare (NSW) Naval Amphibious Base (NAB), Coronado, CA regarding his participation during the Combat Swimmer Orientation (CSO) evolution on 06May16, in which V/LOVELACE experienced difficulties and later died. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was the Emergency Vehicle Operator (EVOC) driver and did not have a specific role poolside during the evolution.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated during the evolution he was near the ramp entrance to the pool with the ambulance. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) retired from the US Navy and works at NSW NAB as a contractor. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) EVOC driver he maintained the ambulance and served as a recorder during the evolution. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) explained that a "Redline" is a safety call used to alert everyone to stand by for further instruction with a medical emergency. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) would drive a student to the hospital with the unit ambulance if the medical condition was non-life threatening. If the medical emergency was life-threatening and 911 was called, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) the unit ambulance to make room for the responding ambulance and assist with treatment as needed.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated "Redline" and subsequently 911 were called for V/LOVELACE, he immediately went to the ramp to move the unit ambulance and wait there for the responding medical team to arrive. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) medical team took an unusually long time to respond to the pool based on their proximity to the site. Once the medical team arrived, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) he escorted them into the pool to treat V/LOVELACE, then he rode in the ambulance in the passenger seat to the hospital. At the hospital, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) served as recorder by taking notes and briefed the command on the situation.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not know who V/LOVELACE was until after the "Redline" was called and he assisted with transporting V/LOVELACE to the ambulance.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) had not spoken to anyone in the media about the death of V/LOVELACE, nor had he spoken to any family or friends.

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EXHIBIT (43)

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 24MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 20May16, Reporting Agent (RA) interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) at Bldg# 604, Naval Special Warfare (NSW) training facility, Naval Amphibious Base (NAB), Coronado, CA. The purpose of the interview was to obtain details associated with NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b), who NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) (V/LOVELACE), died subsequent to participating in a Combat Training Tank (CTT) training evolution. At the time of his demise, V/LOVELACE was enrolled as a student candidate at the Basic Underwater Demolition/Seal (BUD/S) training program.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated on 16May16, he was a designated safety swimmer inside the pool for the treading exercise. He further related he has been an instructor at the BUD/S Basic Training Center (BTC) for approximately a year and a half. His job as a safety swimmer was to create an "adverse environment" for the students in the pool, primarily described as "splashing" and "yelling" at the students, however, he indicated instructors are not allowed to "dunk" or hold students underwater during this training evolution. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) went on to say he was instructed that he was excessively splashing the students and informed to ease up, which he said he did. When asked if he received any form of formal reprimand for this complaint, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) indicated he simply received a verbal notification and that was the end of the issue. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) also verified he did not single out any particular student, rather splashed them all the same in the face.

2. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) indicated it is common for students to have difficulties in the pool during this exercise, based on the instructor requirement of creating the adverse environment. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not notice any one student by name as having any more difficulties than the rest and he was not familiar with V/LOVELACE until later after the incident occurred. When asked about a "Redline," NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) described it as any of the instructors could call a "Redline" for students who appear to require medical attention, specifically students who showed signs of hypoxia (lack of oxygen) and unusually rapid breathing. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) also advised RA he cross trained as a combat medic and trained to assist with more in-depth medical situations as needed.

4. Although NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) indicated it is normal to see students struggle, he was unable to provide any names of individuals to include V/LOVELACE who struggled on that particular date. It was only after the incident with V/LOVELACE occurred that NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) became more familiar with him. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recalled hearing the "Redline" being called, however, he was unsure as to who actually called it. It was at that time when the students in the pool were

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instructed to get out of the pool and went over to where V/LOVELACE was being pulled out of the water. [redacted] checked V/LOVELACE's carotid artery and felt a pulse. He then assisted the corpsman, [redacted] USN, Independent Duty Corpsman (IDC) with turning V/LOVELACE over from his back to his side to potentially remove any water in his throat and at some point became unresponsive so they return him [redacted] checked V/LOVELACE's carotid pulse and did not feel one this time. He then began cardiopulmonary resuscitation (CPR) by conducting chest compressions and rescue breaths. According to [redacted] used an oxygen bag to provide breaths directly into V/LOVELACE's mouth for the purpose. [redacted] continued to provide chest compressions until the Emergency Medical Services (EMS) personnel arrived on scene.

5. The EMS personnel utilized an Automatic External Defibrillator (AED), which initially advised the individuals no shock was advised so they continued chest compressions and rescue breaths using the oxygen bag. The AED then advised the individuals a shock was advised resulting in V/LOVELACE receiving at least one shock via the EMS AED device while at the pool. V/LOVELACE was next loaded onto a gurney and transported to Sharp Coronado Hospital. [redacted] continued to provide chest compressions in the back of the ambulance during the entire transit to the hospital. [redacted] was unable to determine how many chest compressions he conducted on V/LOVELACE during the entire evolution. Upon arrival at the hospital, [redacted] advised he stopped chest compressions once the hospital medical team took over. [redacted] had no additional information and the interview was terminated.

REPORTED BY: [redacted] Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 24MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FURT, GERMANY

RESULTS OF INTERVIEW BY NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 20MAY16, Reporting Agent (RA) interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) 319, Basic Underwater Demolition/SEAL (BUD/S) training student, Naval Special Warfare (NSW) Basic Training Center (BTC), Naval Amphibious Base (NAB) Coronado, CA. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) and classmate of V/LOVELACE and was participating in the same Combat Swimmer Orientation (CSO) training at the Combat Training Tank (CTT) at NAB Coronado, CA on 06MAY16.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) briefed on the rules, proper clothing and safety issues, including a "Redline" (safety call) with all of the class 319 BUD/S students prior to the training. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) students got into the pool and started treading water with their masks full of water. He described this as "very chaotic." He recalled three or four instructors in the water who were there for safety. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) these swimming instructors would pull you out of the training if you were not participating properly and they would splash water in your face. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) remembered going under the water to rest and he was pulled out by an instructor to stay above the water. He also remembered being told to get into boat crew formation. While in the boat crew formation (straight lines) he noticed V/LOVELACE's face was purple and opined that V/LOVELACE was "struggling" with the training. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) trying to remove his boots from his feet and when he completed this task, V/LOVELACE was out of the pool and everyone was ordered to get out of the pool. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) training was known as the combat swim tread and he was "bad at it in prep-school (pre-BUD/S training in Great Lakes, IL." NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did ok in the training on 06MAY16 and felt the training seemed normal until V/LOVELACE was pulled from the pool and passed out. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) knew V/LOVELACE was not a good "treader." He recalled one instance during prep-school when V/LOVELACE got out of the pool and threw-up.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) the CSO training was "totally savage." He described the "beehive" which was a close cluster of students all with water in their masks splashing and trying to stay afloat; however, the students toward the middle would get pushed down inadvertently because of the chaos and students pushing and pulling to stay afloat and because "people were freaking out," and they were screaming and NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was accidentally pulled down because another student pulled down his mask and pulled him down. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) there were about two or three "redlines" called for students who needed to be pulled out of the NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) focused on himself getting air and facing the direction he was supposed to.

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EXHIBIT (45)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) felt this training was easier than he expected as he was a self-described, "terrible treader." He also added he did not get a hard time from the instructors and informed that if you were not doing a good job, the instructors would stay on you. He mentioned once, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) without a charged mask (water inside the mask) and grabbed him and made him go under water to charge the mask. Once NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) and swam NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) students DOR'd (Dropped on Request) that day. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) remembered being dunked by another student according to NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) taken out of the pool for a redline.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) diagram of the CTT and where he was when he noticed V/LOVELACE. Enclosure (A) pertains. It was at this NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) noticed V/LOVELACE's face was "really NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) thought to call a "TTO" (training time out), but because he noticed SO1 NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) also call the TTO for fear of drawing attention to himself, so he did not call the TTO. SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) "Where are you going?", and using his red flotation device to splash water at V/LOVELACE NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) went on to say NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) under the water for a while and come up. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recalled other students who were near NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) crew but was facing NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE. SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE as gasping, not talking, but added V/LOVELACE did the same thing while NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) never saw SO1 NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) but his hand on V/LOVELACE's head NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) give V/LOVELACE a chance to collect NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) this as, "Pressure! Splash! NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE was swimming away from V/LOVELACE's boat crew and did not have his mask on when he saw him.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) noticed V/LOVELACE was not doing what everyone else in the pool was doing and described him as "the odd man out." He recalled taking off his mask and handing it off to another student and that was when he heard NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) say, "What are you doing?" NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he thought NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was talking to him so he turned and that was when he saw V/LOVELACE and thought to himself, "He's not doing so well." SN NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was when students were sounding off with their boat crew count. He also recalled three or four instructors in the pool at all times and recalled NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) as well as other instructors wearing blue shirts on the deck all watching and pointing and yelling, assisting the other students who were pulled out for a Redline. He remembered the instructors in the pool were making sure students were keeping their heads out of the water, cleared their masks, and screaming and creating NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) instructors were yelling for students to "Fill your mask!", "Keep your head out of the water!", "Where are you going?", "Are you going to DOR?", "You're a turd!", "You should quit NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) not upset by what the instructors were yelling, he thought it was meant to be a part of the chaos of the evolution.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) the instructors. He stated NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

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intense, [redacted] was loaded and not super aggressive. I [redacted] a dick," though added he did not think he was unfair. [redacted] was engaged with him for only a few moments and noted when SN [redacted] was dunked by the other [redacted] when he came up. He recalled [redacted] him once for about 10-15 seconds [redacted] a charge [redacted] was "remediating" V/[redacted] and SOI had flotation devices but could not recall if the other instructors [redacted] Instructors [redacted] "...seem outstanding," and looked forward to eventually working [redacted] did not witness any instructors being physically aggressive with any students. [redacted] not had any issues with any instructors and believed they were hard but fair.

[redacted] any students being dunked or held underwater by anyone, instructors or students. He did reveal he noticed V/LOVELACE would be underwater for approximately three seconds at a time. He added, "I couldn't see if it was [redacted] or not (holding V/LOVELACE down), but [redacted] was on him, [redacted] hold out his arms, he could have hugged [redacted] he was [redacted] in LOVELACE's comfort bubble."

9. Regarding students who had difficulties in the [redacted] from the pool and saw a few others also taken out. He was uncertain of who they were and he did not think any of them were put back in the pool after they were [redacted] described himself as having struggles in the pool since he has been in BUD/S, but he has learned skills to help him get through it. He explained that he and V/LOVELACE were pretty good friends and they both were known as the two worst treaders in the class as far back as prep-school for BUD/S in Great Lakes, [redacted] two mocked one another for being poor [redacted] was also [redacted] good at buddy tows and felt V/LOVELACE always came close to having a Redline called for him, but he would somehow make it through the evolution. [redacted] V/LOVELACE was a "phenomenal runner," and was a good water polo player and baseball player.

10. [redacted] did not feel any instructors had been overly aggressive with him during BUD/S training. He informed he had not talked to anyone in the media about V/LOVELACE's death and he does not use social media at all. He revealed he only spoke to [redacted] about V/LOVELACE's death and that was on 06MAY16.

[redacted] NCIS review camera footage from the cameras at the pool, continue talking to the students, get a chronology of events from the pool, get history from the instructors, and to wait for the results of the autopsy. He had no information about any health issues V/LOVELACE may have had, and only knew [redacted] to contact RA if he had anything else to provide if

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he later remembered something [redacted] because of V/LOVELACE's death, he was more inspired to complete the training and become a SEAL.

ENCLOSURE(S)
(A) Diagram of CTT [redacted]

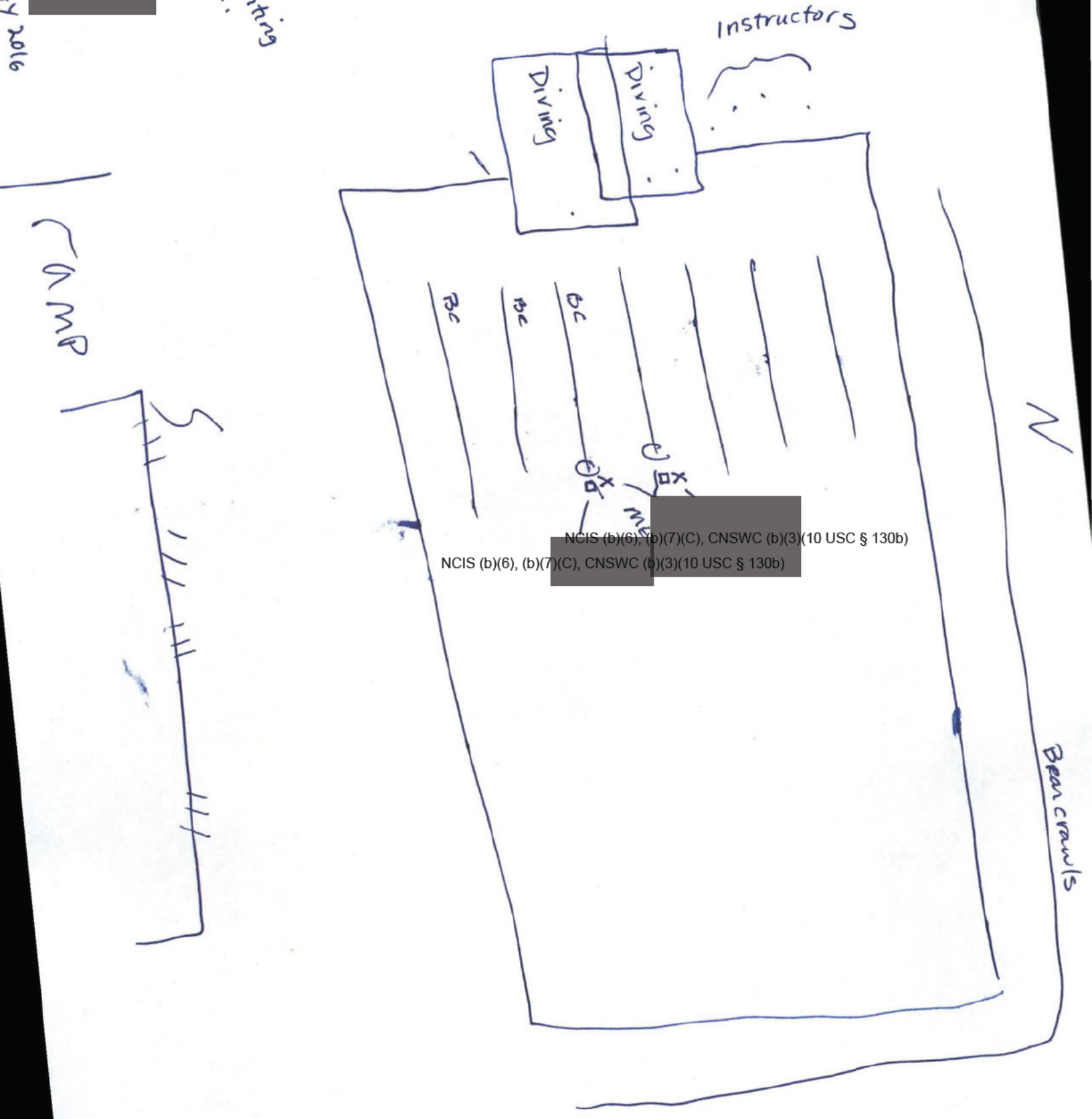
REPORTED BY: [redacted] Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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NCIS (b)(6), (b)(7)(C)

), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

Handwriting as well.



ENCLOSURE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 27MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 20May16, Reporting Agent (RA) interviewed NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b), Class 319, Basic Underwater Demolition/SEAL (BUD/S) student, Naval Special Warfare (NSW) Basic Training Center (BTC), Naval Amphibious Base (NAB), Coronado, CA. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was a classmate of V/LOVELACE and was participating in the same Combat Swimmer Orientation (CSO) at the Combat Training Tank (CTT) at NAB Coronado, CA on 06May16.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) described CSO training on 06May16 as more stressful than NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) with the first group and was in the water for approximately 15 minutes, performing tasks such as removing gear, moving around the pool in boat crews, and eventually ordered to get out of the NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) instructors that day were messing with students in the pool by yelling at them, singling them out for additional attention, creating chaos, and splashing students. On days prior to this training, IS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) student was "freaking out" in the pool, the instructors would dunk their head NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) been dunked at least once before by an instructor, but not NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) which instructor dunked him.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) good friends with V/LOVELACE and had known him since NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) VELACE as a team player and being in very NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) good physical V/LOVELACE have any difficulty performing physical tasks. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) struggling NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) had difficulty keeping his head above water and had a stressed look on his face. During the evolution, IS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) progress from uncomfortable to "freaking out" in the NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) served V/LOVELACE "freaking out," he was directed to perform additional individual tasks and did not observe V/LOVELACE for the remainder of the NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) evacuated from the pool, nor did he see him receiving medical attention on the pool deck.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he has not spoken with anyone from the media about V/LOVELACE's death or the BUD/S training, nor had he posted anything on social media about it. He stated the only people with whom he discussed V/LOVELACE's death was NCIS (b)(6), (b)(7)(C) and did not provide them many details.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) review the surveillance footage of the pool that NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) of V/LOVELACE's medical or health

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EXHIBIT (46)

history.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 24MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
[redacted] FRANKFURT, GERMANY

RESULTS OF INTERVIEW OF [redacted] USN

1. On 20May16, Reporting Agent (RA) interviewed [redacted] USN at Bldg# 604, Naval Special Warfare (NSW) training facility, Naval Amphibious Base (NAB), Coronado, CA. The purpose of the interview was to obtain details associated with the [redacted] 06May16, wherein SN James LOVELACE, USN (V/LOVELACE), died subsequent to participating in a Combat Training Tank (CTT) training evolution. At the time of his demise, V/LOVELACE was enrolled as a student candidate at the Basic Underwater Demolition/SEAL (BUD/S) training program.

2. [redacted] advised RA he has not experienced any physical complications since beginning the BUD/S training program. He verified knowing V/LOVELACE from their time originating together at boot camp in Great Lake, IL all subsequent training through BUD/S training. [redacted] went on to describe V/LOVELACE as a friend who was a "stud" mentally and physically, very mature for his age and definitely not the worst guy in the class as far as treading [redacted] during their various training evolutions together V/LOVELACE never previously complained of any medical issues or concerns related to their training.

3. [redacted] also verified being present in the pool during the 06May16, training evolution although they were assigned to different boat crews. [redacted] described the tread exercise as chaotic with the students huddled together and a lot of the guys not being comfortable in the water, having their masks "charged" (filled with water), and the instructors yelling and splashing them.

4. Despite the conditions at that time, [redacted] claimed to have not observed any of the instructors following, pursuing, or being more intense or aggressive toward any of the students at any time or during any other training evolution. [redacted] also denied ever observing any of the instructors "dunk" or hold any student underwater, to include himself, at any time. [redacted] did not notice if any of the students were removed from the pool for medical purposes at any time during the tread training exercise.

5. [redacted] went on to say the first time he noticed V/LOVELACE, he did not look "good". [redacted] explained this was when they first removed their masks. [redacted] informed he saw V/LOVELACE and thought V/LOVELACE looked "distressed" and appeared to have trouble speaking as he (V/LOVELACE) attempted to call out his boot crew number. According to [redacted] the students were instructed to call out their assigned boat crew numbers so they could quickly organize

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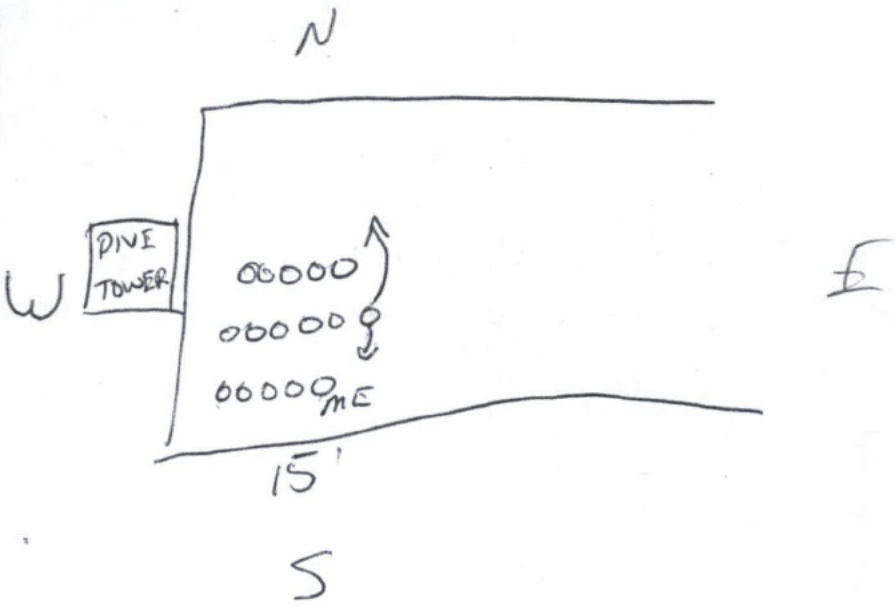
into boat crews. At some point shortly thereafter, [redacted] observed V/LOVELACE out of breath, looking flush, and an instructor (NFI) with a flotation buoy "on top of him." When asked to clarify what "on top of him" meant, [redacted] clarified very close or near V/LOVELACE. [redacted] took it upon himself to swim under water the short distance over to V/LOVELACE and grabbed the back of V/LOVELACE's collar in an attempt to pull him away from the instructor. When RA asked [redacted] to explained why he did this, he stated "he looked like he was in a bad way." [redacted] was unable to provide a more descriptive reason as to why he felt he needed to help V/LOVELACE despite repeated attempts to gain additional information by RA. [redacted] drew a diagram of where he was in the pool and where V/LOVELACE was when he saw him. Enclosure (A) pertains.

6. The same instructor who was near V/LOVELACE saw [redacted] grab V/LOVELACE in an attempt to help him. Per [redacted] this instructor advised [redacted] to not go under the water again and [redacted] immediately let go of V/LOVELACE and moved away from V/LOVELACE and this instructor. [redacted] did not observe any further interactions between V/LOVELACE and the instructor after that point. [redacted] recalled the students being in the water for approximately 15 - 20 minutes before the "Redline" was eventually initiated. Shortly thereafter, the students exited the water, instructed to move to an area away from the diving platform and ordered to face away from where V/LOVELACE was being medically treated. [redacted] had no additional information and the interview was terminated a short time later.

ENCLOSURE(S)
(A) Diagram Of Pool Drawn by SN [redacted] 20MAY16

REPORTED BY [redacted] Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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OUT of BREATH
LOOKING FLUSH

BUOY on TOP of HIM/NEAR HIM
INSTRUCTOR
(UNKNOWN WHICH ONE)

LOOKED like HE WAS IN A DAZE

LET GO of V/

INSTRUCTOR: DON'T GO UNDERWATER AGAIN.

MOVED AWAY from V/ & INSTRUCTOR

NO ADDITIONAL OBSERVATIONS OF V/ + INSTR

ENCLOSURE (4)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 24MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)/FRANKFURT, GERMANY

RESULTS OF INTERVIEW: NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

1. On 20MAY16, Reporting Agent (RA) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b), Class 319, Basic Underwater Demolition/SEAL(BUD/S) student, Naval Special Warfare (NSW) Basic Training Center (BTC), Naval Amphibious Base (NAB), Coronado, CA (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was a friend and classmate of V/LOVELACE and was participating in the same Combat Swimmer Orientation (CSO) at the Combat Training Tank (CTT)at NAB Coronado, CA on 06MAY16.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recalled the CSO training on 06MAY16 as an introduction to the water and combat tread. He recalled someone calling a "redline" or safety call and saw V/LOVELACE get pulled out of the water where CPR was performed on him. He stated V/LOVELACE was transported to the hospital and the class continued training and finished the day. Later that night, the students were briefed that V/LOVELACE had passed away. Speaking to (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recalled the actual training consisted of jumping in the water, charging his mask (filling it with water), refill it if your mask empties, get in boat crew muster, take your mask off, tread, take your boots off, and then V/LOVELACE redlined when the class was supposed to hold up their boots. Aside from V/LOVELACE's [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) training was what he expected. He recalled the instructors splashed the students, and their goal was to make the students get comfortable in an uncomfortable situation.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated having difficulties in the water was not abnormal as V/LOVELACE had a history of having problems in the pool. SN (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recalled V/LOVELACE being on his hands and knees out of the pool vomiting water and was [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) happened when they were in training in Great Lakes, IL before arriving in NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) elucidated that a lot of people were having trouble in the pool and specifically NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) worst treader in the class. 06MAY16 was not an exception and NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) a lot of students having difficulties and in distress. He described the initial portion of the training as a "cluster, a [illegible] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) everyone took their masks off, everyone got in boat crew lines and the chaos died down. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) because he got pulled under the water due to being in the center of the beehive and being pulled out.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) recalled hearing the students in the pool say anything except for calling out their boat crews for muster. He recalled the instructors in the pool being there to push students back in bounds, telling them to charge their masks, splashing the students, and keeping them in the

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EXHIBIT (48)

15 foot deep section. He stated the instructors were telling the students to charge their masks, calling them turds, telling them to get back in the 15 foot section and to stop going under the water. Agent's Note: Several students mentioned it was easier to go under the water and float than to tread water and the instructors knew this which was why they'd yell for them to not go under the water.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) any students being held under water or dunked by anyone intentionally but advised when he was in the center of the beehive, he got put under the water by the students a[redacted] swam below the crowd and swam to the outside and treaded [redacted] informed he did not have any struggles in the water, he performed pretty well in the pool during swim [redacted] were not being overly aggressive with him but opined they were harder on the people who "were freaking [redacted] (dropped on request) that day as they were both struggling and getting splashed by the instructors. He recalled these two students were being bumped and splashed by the instructors with the instructor's flotation devices. The two students [redacted] of the pool and grabbed onto the edge which was a non-[redacted] stated that overall during the training, no instructors had been overly aggressive physically with him in or out of the pool.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) a friend of V/LOVELACE as they met in boot camp in November 2015. He noticed V/LOVELACE in the pool on 06MAY16 when the students were getting into their boat [redacted] remembered seeing V/LOVELACE because "he looked panicked. He was struggling to stay up in the water. His head was above [redacted] did not see an instructor near V/LOVELACE and did not know if V/LOVELACE made it to his boat [redacted] "wide," and he had a "look of [redacted] Combat Training Tank (CTT) and where he was in the pool that day when he noticed V/LOVELACE. Enclosure (A) pertains.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) had not spoken with anyone from the media about V/LOVELACE's death or the BUDS training nor had he posted anything on social media about it. He stated the only people with whom he discussed V/LOVELACE's death was with NCIS (b)(6), (b)(7)(C) and that was only after the first article came out. He stated he told his family to not believe what was being written in the paper.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) review the camera footage from the recorders at the pool and to interview witnesses and rescue staff, instructors and NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) no knowledge of V/LOVELACE's medical or health history, was unaware of V/LOVELACE taking any supplements or drugs, and knew NCIS (b)(6), (b)(7)(C) but was unaware [redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) further to add.

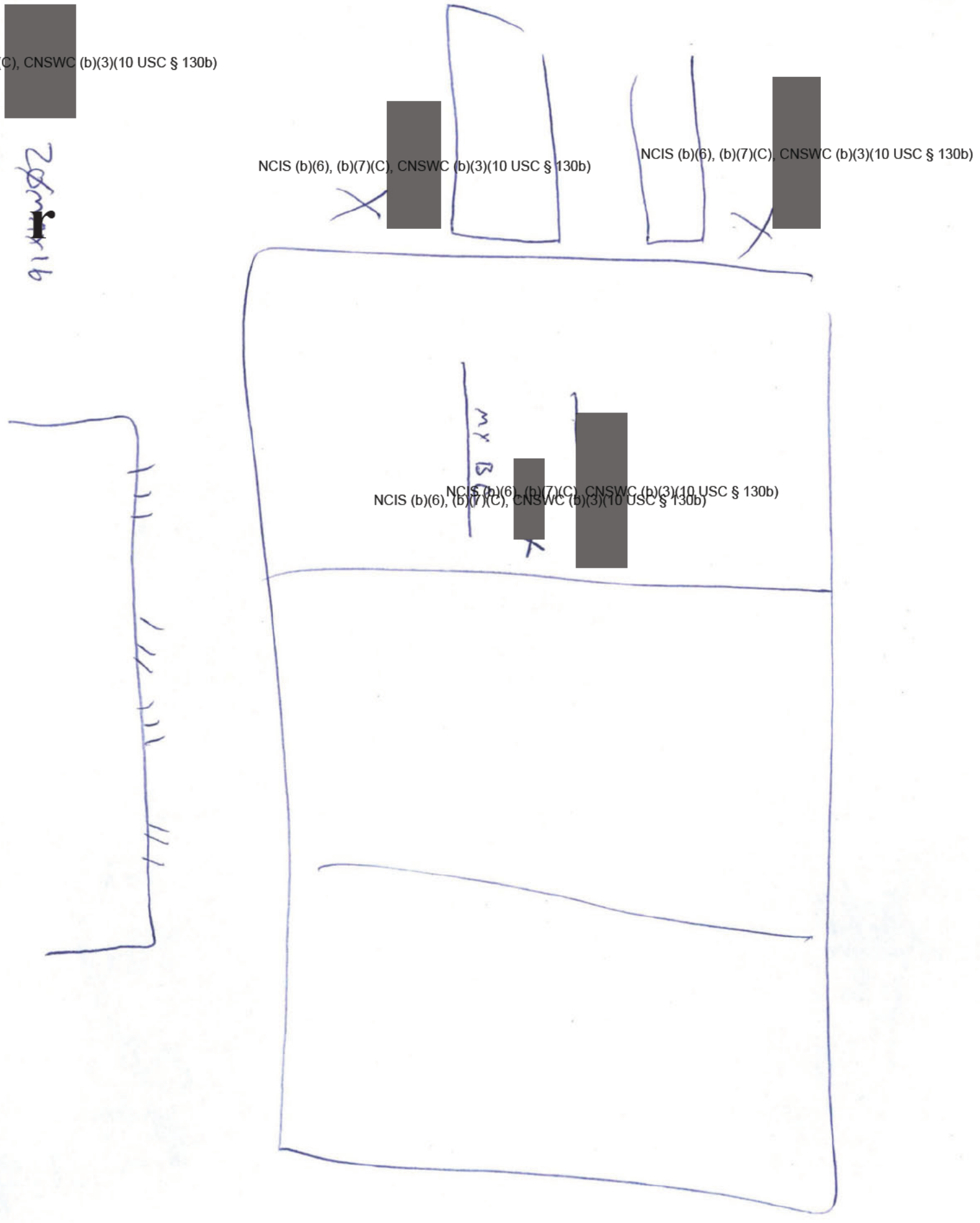
ENCLOSURE(S)
(A) Diagram of C[redacted] NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

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REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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[redacted](C), CNSWC (b)(3)(10 USC § 130b)



ENCLOSURE (A)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 20MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

RESULTS OF SCREENING INTERVIEWS WITH BUDS CLASS 319

1. On 20May16, Reporting Agent (RA) and Participating Agents (PA) NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) conducted screening interviews with members of Basic Underwater Demolition/SEAL Class 319 regarding their knowledge of the events proceeding the death of V/LOVELACE on 06May16. Agents identified themselves verbally and with a show of credentials.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he was in the pool and taking part in the "Combat Tread" training evolution NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE well, but recalled seeing him treading water in a large group of students at one point during the training. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not see any instructors near V/LOVELACE and NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not see any instructors acting aggressively towards students at any time. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) saw an instructor's floatation device, but he did not see any instructors dunking students underwater. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) anything else unusual about the training evolution.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported he was in the pool and taking part in the "Combat Tread" training evolution NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) who NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) and did not see him in the pool during the NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated it was very difficult to see anything because part of the training required his mask to be full NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) anything unusual and did not observe any instructors acting aggressively or dunking students underwater.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) stated he was in the pool and taking part in the "Combat Tread" training evolution NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) friends with V/LOVELACE since completing Recruit Training at Naval Station Great Lakes. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not observe V/LOVELACE in the water on 06May16 because they were in different NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) anything unusual and did not observe any instructors acting aggressively or dunking students underwater.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported he was in the pool and taking part in the "Combat Tread" training evolution NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) anything unusual and did not observe any instructors acting aggressively or dunking students NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE and did not see him in the water on 06May16.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported he was in the pool and taking part in

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EXHIBIT (49)

the "Combat Tread" training evolution on 06May16. V/LOVELACE by sight, but did not observe him in the pool when USN, was getting V/LOVELACE out of the water. was unsure if V/LOVELACE was conscious or not at that time. stated he had personally been dunked by SOC Aaron close to causing him to drink water. stated it was not uncommon for instructors to push students away if the student swam too close to the instructor.

USN, reported he was in the pool and taking part in the "Combat Tread" training evolution on 06May16. V/LOVELACE from Recruit Training at Naval Station Great Lakes, IL, but did not observe was in excellent physical condition, but he had difficulty in performing tasks in the water on 06May16. anything unusual and did not observe any instructors acting aggressively or dunking students underwater.

USN, reported he was in the pool and taking part in the "Combat Tread" training evolution on 06May16. V/LOVELACE from Recruit Training at Naval Station Great Lakes, IL, but did not observe V/LOVELACE in the water on 06May16. anything unusual and did not observe any instructors acting aggressively or dunking students underwater.

USN, reported he was in the pool and taking part in the "Combat Tread" training evolution on 06May16. V/LOVELACE by sight, but did not observe him in the pool on 06May16. anything unusual and did not observe any instructors acting aggressively or dunking students underwater.

USN, reported he was in the pool and taking part in the "Combat Tread" training evolution on 06May16. V/LOVELACE from the BUDS preparatory training following Recruit Training at Naval Station Great Lakes, IL. V/LOVELACE in the pool on 06May16. V/LOVELACE appeared like he was struggling with treading water. was splashing V/LOVELACE and giving him verbal instructions (NFI). the instructors were acting aggressively, however. Other students also appeared to struggling with the exercise.

USN, reported he was in the pool and taking part in the "Combat Tread" training evolution on 06May16. V/LOVELACE, but knew him by sight and saw V/LOVELACE struggling with treading water at one point. instructors (NFI) ordering V/LOVELACE to "charge" his mask, or fill it with water. the instructors were being overly aggressive and he did not observe anything unusual.

USN, reported he was in the pool and taking part in the "Combat Tread" training evolution on 06May16. V/LOVELACE and did not see him in the water on 06May16. personally had difficulty in during the exercise and temporarily lost consciousness. remembered regaining consciousness on the deck, out of the water. said none of the instructors were being overly aggressive and he did not observe anything unusual.

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NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported he was in the pool and taking part in the "Combat Tread" training evolution [redacted] from Recruit Training at Naval Station Great [redacted] in the pool on 06May16. At that time, [redacted] had his mask off and appeared to be struggling to tread water. [redacted] any instructors ever acting aggressively, but reported [redacted] were always more "high stress" than the other instructors.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported he was in the pool and taking part in the "Combat Tread" training evolution [redacted] with V/LOVELACE, but knew him [redacted] shortly after the students entered the pool for the first time, but opined V/LOVELACE "seemed to be splashing in the pool by the instructors seemed excessive, but none of the instructors ever acted aggressively toward [redacted] instructors dunking students underwater.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported he was in the pool and taking part in the "Combat Tread" training evolution [redacted] V/LOVELACE by sight only and did not see him in the pool [redacted] any instructors dunking students underwater. On a separate [redacted] saw an instructor (NFI) "rip" a student out from under a boat which the boat crew was carrying.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported he was in the pool and taking part in the "Combat Tread" training evolution [redacted] V/LOVELACE and did not see him in the pool [redacted] instructor acting aggressively towards a student or dunking students underwater.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported he was in the pool and taking part in the "Combat Tread" training evolution [redacted] V/LOVELACE and did not see him in the pool on 06May16. Instructors were splashing students in the face during the treading exercise, but were not acting aggressively or dunking students underwater.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported he was in the pool and taking part in the "Combat Tread" training evolution [redacted] from Recruit Training at Naval Station Great [redacted] V/LOVELACE on the pool deck [redacted] instructor acting aggressively towards a student or dunking students underwater.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported he was in the pool and taking part in the "Combat Tread" training evolution [redacted] from BUDS Orientation prior to coming to [redacted] V/LOVELACE had difficult treading water and would occasionally go underwater as a result, but he never had to be rescued prior [redacted] see V/LOVELACE in the pool [redacted] instructor acting aggressively towards a student or dunking students underwater.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported he was in the pool and taking part in the "Combat Tread" training evolution [redacted] from Recruit Training at Naval Station Great [redacted]

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V/LOVELACE in the pool on 06May16, but reported he "seemed fine." NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) never saw an instructor acting aggressively towards a student or dunking students underwater.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported he was in the pool and taking part in the "Combat Tread" training evolution on 06May16. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) knew V/LOVELACE and did not see him in the pool on 06May16. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) saw an instructor acting aggressively towards a student or dunking students underwater.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported he was in the pool and taking part in the "Combat Tread" training evolution on 06May16. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) knew V/LOVELACE and did not see him in the pool on 06May16. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) saw an instructor acting aggressively towards a student or dunking students underwater. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was contacted via e-mail by an individual identifying himself as NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) of the Washington Post. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was a member of BUDS Class 319 and wanted to ask questions about NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not demand payment for an interview.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported he was in the pool and taking part in the "Combat Tread" training evolution on 06May16. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) knew V/LOVELACE by sight and did not see V/LOVELACE in the pool on 06May16. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) saw an instructor acting aggressively towards a student or dunking students underwater.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported he was in the pool and taking part in the "Combat Tread" training evolution on 06May16. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) knew V/LOVELACE since Recruit Training at Naval Station Great Lakes, IL. On 06May16, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) saw an instructor (NFI) say, "This guy needs medical attention," NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) swimming with NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) to the side. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/LOVELACE was unconscious at this point. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) saw a bulging vein on the side of V/LOVELACE's face and saw V/LOVELACE begin to turn a purple color. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) saw an instructor acting aggressively towards a student or dunking students underwater.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported he was in the pool and taking part in the "Combat Tread" training evolution on 06May16. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) knew V/LOVELACE by sight but was not friends with him and did not see him in the pool on 06May16. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) saw an instructor acting aggressively towards a student or dunking students underwater.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported he was in the pool and taking part in the "Combat Tread" training evolution on 06May16. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) knew V/LOVELACE by sight but did not see him in the pool on 06May16. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not see any instructors acting aggressively towards students or dunking anyone on 06May16. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) student was failing to follow commands, and instructor would closely watch the offender as an "integrity check." The instructors would not strike, push, or submerge a student, however.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported he was in the pool and taking part in the "Combat Tread" training evolution on 06May16. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) knew V/LOVELACE by sight but did not see him in the pool on 06May16. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) did not see any instructors acting aggressively towards students or dunking anyone on 06May16. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) was in good physical condition and did not have any difficulty with physical training on 06May16. NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

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V/LOVELACE previously had difficulty treading water, but could not recall who told him this information.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported he was in the pool and taking part in the "Combat Tread" training evolution NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) by sight and saw him in the pool on 06May16. V/LOVELACE was being splashed with water by an unknown NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) any instructors acting aggressively towards students or submerging anyone.

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) reported he was in the pool and taking part in the "Combat Tread" training evolution NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) by sight but did not see him in the water NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) instructors acting aggressively towards students or submerging anyone.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 23MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RECEIPT OF BUD/S PHASE 1 INSTRUCTOR CERTIFICATIONS

1. On 20MAY16, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b), NSW BTC, provided Reporting Agent (RA) with the certifications for instruction and safety of the Basic Underwater Demolition/SEAL (BUD/S) Phase 1 Instructors. The following individuals' certifications are appended as Enclosure(1): NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

certifications include graduation from NSW Instructor Qualification Course, Basic Life Support Heart Saver (AED) Course Completion, Naval Special Warfare Center Instructor Certification to Teach High Risk Training, Heartsaver CPR AED cards. Not all individuals had certifications for each of the aforementioned documents. It is also noted that NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) (Basic Life Support Instructor card).

ENCLOSURE(S)
(A) Certificates for NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Various Dates
(B) Basic Life Support Heart Saver Course Completion for SOC NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
(C) Certifications for NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Various Dates
(D) Healthcare Provider CPR Card NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
(E) Certifications for [redacted] Dates
(F) Certifications for [redacted] rious Dates
(G) Certifications for [redacted] Various Dates
(H) Certifications for [redacted] ous Dates
(I) Certifications for [redacted] rious Dates
(J) Certifications for [redacted] rious Dates
(K) Certifications for [redacted] ious Dates
(L) Certifications for [redacted] rious Dates
(M) Certifications for [redacted] us Dates
(N) Certifications for [redacted] arious Dates
(O) Certifications for [redacted] S/Various Dates
(P) Certifications for [redacted] Dates
(Q) Certifications for [redacted] Dates
(R) Certifications for [redacted] ious Dates
(S) Certifications for [redacted] rious Dates

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

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EXHIBIT (50)

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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Pages 1089 through 1139 redacted for the following reasons:
- -
Enclosures (A - S) to Exhibit (50): Referred to Naval Special Warfare Command

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 24MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)

RECEIPT OF COMBAT SWIMMER ORIENTATION PRE-BRIEF FOR 06MAY16

1. As a result of direct requests from NSW BTC, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) SJA, NSW BTC, provided Reporting Agent (RA) with the Combat Swimmer Orientation (CSO) pre-brief power point slides. The slides were utilized by the instructors for the 06MAY16 CSO evolution. The slides include which instructors are in specific roles (Petty Officer in Charge, Corpsman, Safety Officer, etc.), the time for the evolution, how many students, diagrams of the pool and where certain groups of students are, and where instructors are. Per page eight, the slide for "Station Two," the station in which V/LOVELACE was a participant, indicates the instructor to student ratio is 1:15 and "Minimum of 5 Staff members in pool IOT create an adverse environment." Page ten depicts a diagram of the pool and shows eight instructors in the swimming pool. Page eleven is "Staff Instructions." The bullets read, "Safety; Judge student's proper technique, confidence, and relaxation throughout the evolution, Enforce mask full of water, Enforce Instructions coming from POIC, Boot Laces (2 pairs of Medical Shears)." The last slide outlines the emergency action plan for Hypoxia and Near Drowning. Enclosure (A) pertains.

ENCLOSURE(S)
(A) Combat Swimmer Orientation Pre-Brief/06MAY16

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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EXHIBIT (51)

Pages 1141 through 1153 redacted for the following reasons:
- -
Enclosures (A) to Exhibit (51): Referred to Naval Special Warfare Command

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 23MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3):10 USC § 130b FRANKFURT, GERMANY

RECEIPT OF 911 DOCUMENTATION

1. On 23May16, Reporting Agent (RA) met with NCIS (b)(6), (b)(7)(C), CIV, Commander Navy Region Southwest (CNRSW) Regional Dispatch Manager NCIS (b)(6), (b)(7)(C) provided RA with copies of the 911 recorded audio telephone call requesting medical assistance for V/LOVELACE at the Naval Amphibious Base (NAB) swimming pool on 06May16. A copy of the recording is appended as Enclosure (A).

NCIS (b)(6), (b)(7)(C) also provided copies of the police event detailing the report associated with this event. According to the logs, the incident was classified as a "drowning or near drowning" incident, with a call received by the dispatch center at approximately 1345, on 06May16. Emergency medical services (EMS) personnel arrived on scene at approximately 1348. Also according to the log entries, V/LOVELACE was transported to Coronado Sharp Hospital at approximately 1407. Enclosure (B) pertains.

ENCLOSURE(S)
(A) DVD+RW CONTAINING 911 RECORDINGS/05May16
(B) UNOFFICIAL TRANSCRIPT OF 911 RECORDINGS/09May16

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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EXHIBIT 52

Pages 1155 through 1162 redacted for the following reasons:
- -
Enclosure (A) to Exhibit (52): Referred to Commander, Navy Installations Command

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 26MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C) CIV

1. As background, on 06May16, NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN, passed away after having complications during a Combat Swimming Exercise at Naval Amphibious Base (NAB) Coronado, CA, as part of the Basic Underwater Demolition School (BUDS).

2. On 25May16, Reporting Agent (RA) and Participating Agent (PA) NCIS (b)(6), (b)(7)(C) CIV, interviewed the NCIS (b)(6), (b)(7)(C) LOVELACE, James Derek LOVELACE NCIS (b)(6), (b)(7)(C) CIV, and the NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C), CIV. The interview was conducted at the family residence located at NCIS (b)(6), (b)(7)(C)

3. At the request of NCIS (b)(6), (b)(7)(C) were interviewed simultaneously. NCIS (b)(6), (b)(7)(C) seemed in good spirits and stated V/LOVELACE "was doing great and living his dream" NCIS (b)(6), (b)(7)(C) stated V/LOVELACE had spoken to NCIS (b)(6), (b)(7)(C) before his passing and she told NCIS (b)(6), (b)(7)(C) he had never heard NCIS (b)(6), (b)(7)(C) happier. NCIS (b)(6), (b)(7)(C) stated V/LOVELACE was getting along well with his peers and instructors. NCIS (b)(6), (b)(7)(C) stated V/LOVELACE prepared for two (2) years prior to entering training. NCIS (b)(6), (b)(7)(C) stated he heard from V/LOVELACE every evening. NCIS (b)(6), (b)(7)(C) stated V/LOVELACE was "upbeat", "positive", and "embracing the challenge of training". NCIS (b)(6), (b)(7)(C) stated V/LOVELACE had a large group of friends, but he and V/LOVELACE were extremely close. NCIS (b)(6), (b)(7)(C) stated if V/LOVELACE was having any difficulty he would have been the first to know.

4. NCIS (b)(6), (b)(7)(C) stated V/LOVELACE was "as healthy as a horse" and had no prior medical issues only minor surgeries to include the NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) stated V/LOVELACE was an avid sportsman and loved playing baseball and water activities. NCIS (b)(6), (b)(7)(C) stated V/LOVELACE played water polo with the instructors during boot camp and described it as "good cardio". NCIS (b)(6), (b)(7)(C) stated V/LOVELACE had recently reported "pain in his foot" to the corpsman, but no significant injury was found. NCIS (b)(6), (b)(7)(C) stated V/LOVELACE was told he could wait it out and go into another class, quit the program, or fall back in formation.

5. NCIS (b)(6), (b)(7)(C) stated NCIS (b)(6), (b)(7)(C) CIV, had suffered numerous medical ailments and recently passed away in June 2015. RA asked NCIS (b)(6), (b)(7)(C) if it was possible there was perhaps an undiagnosed hereditary medical condition with V/LOVELACE which could have contributed to his death. NCIS (b)(6), (b)(7)(C) responded, "I was wondering that too". NCIS (b)(6), (b)(7)(C) stated NCIS (b)(6), (b)(7)(C) CIV, was having a hard

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EXHIBIT (53)

time processing the death of NCIS (b)(6), (b)(7)(C) and V/LOVELACE. NCIS (b)(6), (b)(7)(C) stated NCIS (b)(6), (b)(7)(C) claimed the Navy for the death of V/LOVELACE and was seeking NCIS (b)(6), (b)(7)(C) RA asked NCIS (b)(6), (b)(7)(C) if he would be willing to sign a medical records release form to obtain the records of NCIS (b)(6), (b)(7)(C) for the medical examiner. NCIS (b)(6), (b)(7)(C) was initially apprehensive, but stated he would sign the waiver. NCIS (b)(6), (b)(7)(C) signed five (5) medical release waivers and provided a copy of the death certificate of NCIS (b)(6), (b)(7)(C) Enclosure (A) pertains. The medical waivers will be retained at NCISRA Pensacola for future tasking.

6 NCIS (b)(6), (b)(7)(C) did not speak much during the course of the interview, but stated V/LOVELACE was enjoying California. NCIS (b)(6), (b)(7)(C) stated she spoke with V/LOVELACE occasionally and he always said he was doing well. NCIS (b)(6), (b)(7)(C) stated V/LOVELACE had just opened an INSTAGRAM account under the handle "lovelacej2" to document all the fun he was having in California. NCIS (b)(6), (b)(7)(C) showed RA and RA NCIS (b)(6), (b)(7)(C) the contents of the profile which contained five (5) photos. NCIS (b)(6), (b)(7)(C) stated all of his other social media accounts were deleted upon entry into the military. NCIS (b)(6), (b)(7)(C) stated she did not have the password to the INSTAGRAM account, but NCIS (b)(6), (b)(7)(C) might. Of note, NCIS (b)(6), (b)(7)(C) stated the name NCIS (b)(6), (b)(7)(C) several times during the interview who RA previously identified through social media accounts as NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) CIV, the long-term girlfriend of V/LOVELACE. NCIS (b)(6), (b)(7)(C) stated NCIS (b)(6), (b)(7)(C) was currently abroad on an internship for marine biology research in French Polynesia. RA asked if NCIS (b)(6), (b)(7)(C) would be willing to speak with NCIS and NCIS (b)(6), (b)(7)(C) stated yes, she is available telephonically or through a FaceTime or Skype video call. RA proceeded to ask NCIS (b)(6), (b)(7)(C) if she had access to the phone passcode of V/LOVELACE. NCIS (b)(6), (b)(7)(C) stated she reached out to NCIS (b)(6), (b)(7)(C) to obtain the passcode and supplied it to V/LOVELACE's command in California to include the CAPT and CMC. NCIS (b)(6), (b)(7)(C) stated she was under the impression the code was correct and NCIS had already accessed the contents. NCIS (b)(6), (b)(7)(C) stated she no longer has the text message she received from NCIS (b)(6), (b)(7)(C) which contained the passcode. NCIS (b)(6), (b)(7)(C) stated NCIS (b)(6), (b)(7)(C) does have the correct passcode and would be willing to supply it again to NCIS. NCIS (b)(6), (b)(7)(C) supplied the telephone number for NCIS (b)(6), (b)(7)(C) as NCIS (b)(6), (b)(7)(C) and recommended sending a text message in addition to a phone call due to the "spotty wifi".

NCIS (b)(6), (b)(7)(C)

ENCLOSURE(S)
(A) DEATH CERTIFICATE OF NCIS (b)(6), (b)(7)(C) /25MAY2016

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY PENSACOLA

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Page 1165 redacted for the following reason:
- - - - - - - - - - - - - - - - - - - -
Enclosure (A) to Exhibit (53): NCIS (b)(6), (b)(7)(C), Withheld, Not relevant to request

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 25MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

RESULTS OF REVIEW OF OFFICIAL MILITARY PERSONNEL FILE FOR V/LOVELACE

1. On 25May16, the Official Military Personnel File (OMPF) for V/LOVELACE was reviewed. According to those records V/LOVELACE enlisted in the US Navy on 06Jan15 in New Orleans, LA for four years with a guarantee in the Advanced Technical Field Aircrewman (AIRATF) Program. The enlistment form listed a notation that the guarantee was changed to Special Warfare Operator (SO/ATF) Challenge Program. V/LOVELACE completed basic training at the Recruit Training Center (RTC) Great Lakes, IL. There were no performance evaluations contained in the OMPF. No derogatory information was noted.

2. According to V/LOVELACE's dependency application, dated 23Nov15, he was single and did not have any dependents. V/LOVELACE's Primary Next of Kin (PNOK) was listed as NCIS (b)(6), (b)(7)(C) CIV, located at NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) was also listed as Primary Beneficiary on his Group Life Insurance Election and Certificate. NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) The OMPF contained a Warrior Challenge Program Statement of Understanding, signed by V/LOVELACE on 24Feb15. No other pertinent information was noted in the file.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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EXHIBIT 54

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 26MAY16

CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
M/W/[illegible]/BLK/[illegible] FRANKFURT, GERMANY

RECEIPT OF MFR REGARDING REMOVAL OF NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FROM TRAINING

1. On 26MAY16, Reporting Agent requested and received from NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) Naval Special Warfare (NSW), Basic Training Center
(BTC), Coronado, CA, the Memorandum for the Record for the Removal of NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN from Basic Underwater Demolition/SEAL (BUD/S)
training on 13MAY16. The memorandum was signed by NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) USN,
Commanding Officer, NSW BTC on 16MAY16. Enclosure (A) pertains.

ENCLOSURE(S)
(A) Memorandum For the Record for Removal of NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) from
BUDS Training/16MAY16

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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EXHIBIT (55)

Page 1168 redacted for the following reason:
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Enclosures (A) to Exhibit (55): Referred to Naval Special Warfare Command

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 26MAY16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/SEPF/RESIDENT AGENCY PENSACOLA/ NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)
(A) NCISRA SAN DIEGO CA ROI (ACTION)/23MAY16
(B) NCISRA PENSACOLA FL ROI (ACTION)/24MAY16

EXHIBIT(S)
(1) IA: RESULTS OF INTERVIEW OF NCIS (b)(6), (b)(7)(C) CIV AND NCIS (b)(6), (b)(7)(C)
NCIS (b)(6), (b)(7)(C) CIV

NARRATIVE
1. In accordance with Reference (A) and subsequent to Reference (B), an interview of NCIS (b)(6), (b)(7)(C) CIV, and NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) CIV, was conducted at their residence located at NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C)

2. On 25May16, Reporting Agent (RA) and Participating Agent (PA) NCIS (b)(6), (b)(7)(C) NCIS (b)(6), (b)(7)(C) CIV, visited the residence of NCIS (b)(6), (b)(7)(C) to obtain information in regards to their recent communications with V/LOVELACE and to gather pertinent NCIS (b)(6), (b)(7)(C) Exhibit (1) pertains.

3. Lead tasking for SEPF is complete.

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INFO :SEFO/SWFO/SWND

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 24MAY16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
M/W/[redacted]/[redacted] FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

NARRATIVE
1. On 06MAY16, V/LOVELACE passed away after having complications during a Combat Swimming exercise at Naval Amphibious Base (NAB) Coronado, CA as part of Basic Underwater Demolition School (BUDS). Interviews with classmates of V/LOVELACE state he had trouble with water treading training during Pre-Buds in Great Lakes, IL. This investigation has been designated Director's Special Interest. Contact Case Agent at any time for any questions or issues regarding this lead.

ACTION
R.NEGL: Please contact a program administrator for the Pre-BUDS program. Determine if there are records for previous students who have gone through the program. If so, determine if any records exist for V/LOVELACE who went through in early 2016. Obtain copies of any and all records for V/LOVELACE. Determine if there are any records or recollections from instructors about V/LOVELACE. Specifically contact the instructors from the swimming program and obtain any documentation and information about V/LOVELACE's performance in the swimming training evolutions. Determine if there are records kept for students who are taken from the pool for a "redline" (safety call). If there are records for V/LOVELACE having a redline call, interview instructors who were present and have them describe the incidents. If no records, interview instructors who were there when V/LOVELACE went through the training and ask if they remember him and what they remember about him (any issues in the training). It was reported that in the Pre-BUDS, students filled out Bio sheets and V/LOVELACE documented his weakness was treading water, if this bio sheet exists, obtain a copy. It was also reported that after a water treading training, V/LOVELACE had difficulties and emerged from the training exhausted on all fours and vomited on the pool deck. Determine if there is video footage taken at the pool and if there is any footage from dates when V/LOVELACE was in the pool for training. If it exists, obtain copies of any and all video footage and enter it into evidence and transfer to NCISFO San Diego, CA

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evidence. Contact Case Agent NCIS (b)(6), (b)(7)(C) at NCIS (b)(6), (b)(7)(C) or NCIS (b)(6), (b)(7)(C) with any questions. This investigation has been designated Director's Special Interest and expediency in completion of this lead is requested.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 24MAY16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)
N/A/[redacted], [redacted]/[redacted]/[redacted]/[redacted]/FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/SEPF/RESIDENT AGENCY PENSACOLA NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)
(A) NCISRA SAN DIEGO CA ROI (ACTION)/23MAY16

NARRATIVE
1. Lead tasking for SEPF requested in Reference (A) is acknowledged. Estimated date of completion is 07Jun16.

PARTICIPANTS
NCIS (b)(6), (b)(7)(C) SPECIAL AGENT, RESIDENT AGENCY PENSACOLA

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INFO :SEFO/SWND/SWFO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 23MAY16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO/ NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

NARRATIVE

1. On 06MAY16 NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) after having complications during a Combat Swimming exercise at Naval Amphibious Base (NAB) Coronado, CA as part of Basic Underwater Demolition School (BUDS). As part of the investigation, please interview family members noted in lead tasking. This investigation has been designated Director's Special Interest. Contact Case Agent at any time for any questions or issues regarding this lead.

ACTION

R.SEPF: Please interview the family of V/LOVELACE. Ask specific questions about V/LOVELACE's health history (illnesses, conditions, medications), family health history (specifically the NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b)). Ask NCIS (b)(6), (b)(7)(C) if he would be willing to provide medical records and death certificate for NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b). Ask if V/LOVELACE communicated to them during his time in the Navy (including before BUDS) if he had any health concerns, if he was having any difficulties in any area of the training, if he felt he was being treated differently by any of the instructors or students, if he posted anything on social media. If he did communicate via texting or electronic means, ask if they still have the communications and to provide them to you. Ask what social media outlets he used (Facebook, twitter, Instagram, etc). Ask if they knew his account names and passwords. Ask if they can provide any possible number codes that could have been used for his iPhone password (significant dates, birthdays, high school sports numbers, lucky numbers, etc.) Ask if there are any friends he often spoke to and get contact information if possible. Also ask if they would provide contact information for V/LOVELACE's girlfriend, NCIS (b)(6), (b)(7)(C) as she will need to be interviewed. Please contact Case Agent NCIS (b)(6), (b)(7)(C) or NCIS (b)(6), (b)(7)(C) after the interviews for a debrief. This investigation has been designated DSI and a quick turn-around is requested.

The family members are identified as:

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NCIS (b)(6), (b)(7)(C)

R.NEEA: Please await go-ahead date (Case Agent will contact assigned lead agent) for the interview of NCIS (b)(6), (b)(7)(C)

NCIS (b)(6), (b)(7)(C)

NCIS (b)(6), (b)(7)(C) Ask specific questions about V/LOVELACE's health history (illnesses, conditions, medications), family health history (specifically the death of NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) in JUN15). Ask if V/LOVELACE communicated to them during his time in the Navy (including before BUDS) if he had any health concerns, if he felt he was being treated differently by any of the instructors or students, if he was having any difficulties in any area of the training, if he posted anything on social media. If he did communicate via texting or electronic means, ask if they still have the communications and to provide them to you. Ask what social media outlets he used (Facebook, twitter, Instagram, etc). Ask if they knew his account names and passwords. Ask if they can provide any possible number codes that could have been used for his iPhone password (significant dates, birthdays, high school sports numbers, lucky numbers, etc.) Ask if there are any friends he often spoke to and get contact information if possible. Also ask if they would provide contact information for V/LOVELACE's girlfriend NCIS (b)(6), (b)(7)(C) (NFI) as she will need to be interviewed.

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INFO :SWND/NEFO/SEFO/SWFO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 20MAY16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3):10 USC § 130b
[illegible] FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/CBPW/PACIFIC CYBER OPERATIONS NCIS (b)(6), (b)(7)(C) REPRESENTATIVE

REFERENCE(S)
(A) NCISRA SAN DIEGO CA ROI (OPEN)/16MAY16

NARRATIVE
1. Lead tasking set forth in Reference (A) is acknowledged. On 20MAY16, Reporting Investigative Computer Specialist submitted evidence to the San Diego Regional Computer Forensics Laboratory to be examined by a certified forensic video specialist. Estimated date of completion is 20JUN16.

DISTRIBUTION
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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 18MAY16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3) 10 USC § 130b KFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO, NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

NARRATIVE
1. On 06MAY16, V/LOVELACE was participating in a training exercise in a swimming pool as part of the Basic Underwater Demolition School (BUDS). During the training, V/LOVELACE was pulled from the pool and became unresponsive. He was transported to a local hospital and pronounced dead. The video surveillance from the swimming pool has been provided from the virtual server at Naval Special Warfare Command, Naval Amphibious Base Coronado, CA. There are four cameras filming from an above vantage point. Two of the cameras capture the sequence of events. NCIS has received three DVD's of different time frames of the videos and different vantage points. Enhanced resolution is desired to fully view the events recorded.

ACTION
R.2GTG: ATTN NCIS (b)(6), (b)(7)(C) Please utilize three DVD's to be provided and assist with image resolution enhancement and other video assistance as requested. Please contact Case Agent NCIS (b)(6), (b)(7)(C) at NCIS (b)(6), (b)(7)(C) or call NCIS (b)(6), (b)(7)(C)

DISTRIBUTION
NCISHQ:23B1
ACTION:2GTG
INFO :2GTG NCIS (b)(6), (b)(7)(C) /SWND

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION) 16MAY16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) V/23MAY96/FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/0023/CRIMINAL INVESTIGATIONS DIRECTORATE NCIS (b)(6), (b)(7)(C)
SPECIAL AGENT

REFERENCE(S)
(A) NCIS-1, Chapter 45-7

NARRATIVE
1. Subsequent to the initiation of this investigation, this case has been designated "Director's Special Interest" (DSI) by NCISHQ. A weekly update should be provided to SA NCIS (b)(6), (b)(7)(C) 7H Desk Officer, every Tuesday and an ROI (INTERIM) should be published every thirty days.

ACTION
SWND: Per guidelines outlined in Reference (A), reporting requirements are increased in frequency as significant information develops. Frequent contact should be maintained with and weekly updates provided to SA NCIS (b)(6), (b)(7)(C) 7H Desk Officer.

DISTRIBUTION
NCISHQ:0023
ACTION:SWND
INFO :002P/SWFO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (OPEN) 16MAY16

DEATH (II) CONTROL: 06MAY16-SWND-0303-7HNA

V/LOVELACE, JAMES DEREK/SN USN
NCIS (b)(6), (b)(7)(C), CNSWC (b)(3)(10 USC § 130b) FRANKFURT, GERMANY

COMMAND/NSW BTC/46462

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

NARRATIVE
1. This investigation was initiated on 06MAY16 upon notification of the death of V/LOVELACE. No criminal statutes apply at this time.

2. On 06MAY16 at 1412, NCISRA San Diego, CA was notified via Command Navy Region Southwest (CNRSW) dispatch that V/LOVELACE was transported to Sharp Coronado Hospital, Coronado, CA, from building 164 (pool) aboard Naval Amphibious Base (NAB), Coronado, CA, as he was unconscious and it was uncertain if he was breathing. At approximately 1600, NCIS contacted Sharp Coronado Hospital and was informed V/LOVELACE was pronounced dead at 1436 at the hospital. The hospital representative informed Naval Special Warfare (NSW) Basic Training Center (BTC) representative NCIS (b)(6), (b)(7)(C) was present at the hospital and the San Diego County Medical Examiner's Office had been notified and were en route. NCIS (b)(6), (b)(7)(C) NCIS Forensic Consultant, was notified of V/LOVELACE's death.

3. At approximately 1645, members of the NCISRA San Diego, CA, Major Case Response Team (MCRT) responded to building 164 aboard NAB Coronado and to Sharp Coronado Hospital. A scene documentation of the pool area was conducted and an initial documentation of V/LOVELACE's body at the hospital was completed. Interviews of five NSW BTC instructors were conducted and it was determined V/LOVELACE was observed to be struggling with keeping his head above the water. It was at this time (approximately 1343) when an instructor pulled him from the pool and other instructors immediately began performing cardiopulmonary resuscitation (CPR) on him. V/LOVELACE was transported via ambulance to the hospital with NSW BTC instructors continuing CPR. On 07MAY16 at 0900, an autopsy of V/LOVELACE's body was conducted at the San Diego County Medical Examiner's Office with NCIS representatives present. Final autopsy results are pending the finalization of laboratory and toxicology results. On 09MAY16, a documentation of V/LOVELACE's barracks room was conducted and his personal cell phone was seized and placed into evidence at the NCISFO San Diego evidence facility. CAPT NCIS (b)(6), (b)(7)(C Commanding Officer, NSW BTC, was briefed on the status of the investigation to date and he offered command assistance where necessary. Investigation is continuing.

4. Database checks for V/LOVELACE via the Joint Personnel Adjudication System (JPAS), Department of Defense Law Enforcement Information Exchange (D-DEX), Consolidated Law Enforcement Operations Center (CLEOC), NCIS

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Knowledge Network (K-NET), National Crime Information Center (NCIC), Criminal Justice Information System California (CJIS), and Defense Central Index of Information (DCII) were conducted. No derogatory information was identified and V/LOVELACE was eligible for a Secret security clearance at the time of his death.

ACTION
R.CBPW: Attn: NCIS (b)(6), (b)(7)(C) Please provide cyber support to investigation as needed.

DISTRIBUTION
NCISHQ:023B
ACTION:CBPW
INFO :SWND/SWFO/CBPW/002P

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